

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ROBERT CYRUS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No.: 2:07-cv-144-ID
	)	
HYUNDAI MOTOR COMPANY,	)	
et al.,	)	
	)	
Defendants.	)	

PLAINTIFF'S MOTION TO SUPPLEMENT  
AND AMEND HIS EVIDENTIARY SUBMISSION

Comes now, Plaintiff, Robert Cyrus, and moves the Court to allow the additional evidentiary submission, attached hereto as Exhibit A, being the deposition of Mr. Keith Duckworth which was taken on February 28, 2008, pursuant to FRCP 56(e) and (f), and for grounds says that Mr. Duckworth's deposition amends, contradicts and undermines material facts he testified to in his declaration submitted in support of Defendant's Motion for Summary Judgment (Defendant's Exhibit D), and that it contradicts and undermines facts Defendant cites in its brief as supporting its Motion for Summary Judgment. The particulars are:

1. Duckworth has a law degree. (Duckworth depo. pg. 20: 15-21).
2. Duckworth came to Alabama after the first week and a half in August

2005. (Duckworth depo. pg. 58: 3-21).

3. Defendant (Reply Brief, page 1), says “Cyrus acknowledges that his actions in the meeting with Murakami representatives on September 16, 2005, started the process that led to his ultimate termination.” Duckworth contradicts this, claiming that events began earlier. He claims Cyrus, in a executive director’s meeting, verbally berated and embarrassed Kenny Song by screaming at him, shaking his hand at him and telling him that he was lying (Duckworth depo. pg. 148: 18-149:15), and that this meeting was two or three weeks before the Murakami meeting. (Duckworth depo. pg. 151: 3-10). Not only does Cyrus dispute this (Cyrus Declaration ¶6) but Duckworth testified that in a meeting with Cyrus on the afternoon of September 16, after the Murakami meeting, that he told Mr. Cyrus that there were no material complaints about him by anyone from Hyundai at that point. (Duckworth depo. pg. 96: 19-98:15).

4. Defendant asserts in its Reply Brief, page 1, “Cyrus does not dispute that Ahn conducted an independent review of what occurred at the meeting and was apprised by Cyrus’ Caucasian, American co-workers that Cyrus had engaged in unprofessional behavior during the meeting, including cursing at and challenging the competency of fellow HMMA executives and ignoring the instruction of his supervisor.” Defendant repeats this assertion again in its reply

brief on page 9. On the contrary, there is no evidence that President Ahn conducted an independent investigation. Duckworth says that Ahn told him that Kim had advised him of the situation (Duckworth depo. pg. 132: 22-133:18), but he did not know who else might have complained. (Duckworth depo. pg. 130: 8-133:18). Duckworth was not made aware of any statements given by anyone about the Murakami incident at the time that he met with president Ahn. (Duckworth depo. pg. 83: 19-88:6).

5. Defendant in its Reply Brief, page 1, asserts that “it is undisputed that these reports of his misconduct lead to the meeting between Keith Duckworth and Cyrus on October 22, 2005.” According to Duckworth he was unaware of any notes or reports until after Cyrus was terminated. (Duckworth depo. pg. 86: 10-87:21). Rather, the events Duckworth claimed he discussed in the meeting with Ahn were the complaint about the Murakami meeting raised by Mr. Kim and the incident with Danny Song (Duckworth depo. pg 130:8-133:18).

6. Duckworth says in his declaration,<sup>¶4</sup> that he only spoke briefly with Cyrus the afternoon of the Murakami Meeting, September 16, and that he told him that he was unaware of any complaints about the Murakami meeting. This is contradicted by Duckworth’s testimony that he met with Cyrus that afternoon for 15 to 20 minutes and took some time to go into detail about what happened in the

meeting. (Duckworth depo. Pg 89:7-95:18) Duckworth admits that Cyrus came back to him a second time and told him that he was being required to write notes about the meeting. (Duckworth depo pg. 103:6-105:15). Duckworth says that the requirement to write notes was part of the disciplinary process (Duckworth depo pg. 105:16-107:9). Duckworth says that despite this he told Cyrus that it was nothing significant. (Duckworth depo. pg. 109:15-22). Duckworth's declaration is further contradicted by Duckworth's deposition testimony that he was unaware of any material complaints about Cyrus from anyone at Hyundai prior to the Murakami meeting. (Duckworth depo. pg. 96: 13-98:15).

7. Duckworth's testimony that he was aware of complaints about Cyrus' conduct with regard to Kenny Song is also contradicted by his deposition testimony. Duckworth testified the incident with Song occurred three weeks before the Murakami meeting. (Duckworth depo. pg. 148: 18-151:7). Duckworth claims he reprimanded Cyrus after the meeting telling him that his conduct was uncalled for. (Duckworth depo. pg. 151: 20-152:4). However Duckworth says that as of the afternoon he was unaware of any significant complaints about Cyrus from anyone at Hyundai. (Duckworth depo. Pg. 96:19-98:15).. When confronted with this contradiction Duckworth's response was that Cyrus was only asking him about complaints with reference to the Murakami meeting which he, Duckworth,

did not have any knowledge about at the time. (Duckworth depo. pg. 151: 8-154:1). This contradicts his prior testimony and further call into question Duckworth's assertion that he and Ahn discussed the Song incident in the October meeting.

8. In his declaration, ¶5 Duckworth says that it would not be appropriate for a Hyundai employee to express disagreements with other employees in the presence of outside vendors. He contradicts this in his deposition when he says that it is a cultural thing about Hyundai Korean business style and that one employee may scold a fellow employee during a business meeting. (Duckworth depo. pg. 100: 5-101:2). Duckworth says at Hyundai it happens that Koreans will criticize co-employees in front of suppliers, that it is just a cultural thing. (Duckworth depo. pg. 101: 22-102:15). Duckworth says that Hyundai Korean business practices is to be direct, not be concerned with the niceties of what Americans would consider business etiquette. (Duckworth depo. pg. 101: 3-21).

9. In his declaration, ¶5 Duckworth says that he was told that Cyrus directly questioned H.I. Kim's judgment and that it embarrassed him. In his deposition testimony when asked what Cyrus did to question Kim's judgment Duckworth's only response was that Cyrus was an impediment to the process of Kim's attempt to resolve a problem with a vendor by not letting him complete his

descriptions to the supplier. (Duckworth depo pg. 126:16-129:2).

10. In his declaration, ¶6 Duckworth says that he became aware of other problems with Cyrus' behavior in recent months; citing the Song incident and the fact that he received report from members of Plaintiff's staff. The Song incident is called into question, as set out above. The other complaints were made to him, according to Duckworth, after the Murakami meeting on September 16 and after Cyrus went out on medical leave, (Duckworth depo pg. 134:11-148:17) which was the week of October 2<sup>nd</sup>. (Cyrus declaration ¶5)

11. In his declaration, ¶7 Duckworth says that Ahn left it to him to determine if Cyrus should be terminated. But in his deposition he says Ahn never told him to terminate Cyrus or that he wanted him to discharge him. (Duckworth depo. pg. 161:16-164:7)

12. In his declaration, ¶8 Duckworth says that at the restaurant meeting on October 22 that for about an hour Mr. Hansford criticized HMMA's relationship with its suppliers and complained about his termination. In his declaration, ¶11 Duckworth says that Cyrus never made any complaints of discrimination on the day of the October 22<sup>nd</sup> meeting. However in his deposition Duckworth contradicts this by going on at length about the complaints of discrimination Hansford and Cyrus made at that meeting. According to

Duckworth, Cyrus made several complaints of discrimination before he discussed any performance or attitude issues with Cyrus. (Duckworth depo. pg. 176: 14-188:23). Duckworth said Cyrus and Hansford discussed a woman being propositioned by a Korean staff member that resulted in her frustration and her unhappiness. (Duckworth depo. pg. 178: 7-10). Cyrus complained about a female employee who was not given the responsibility or respect of her boss when her boss left town on business. (Duckworth depo. pg. 178: 11-16). Cyrus complained that the Americans had to attend meetings in Korean and were not given a translator. (Duckworth depo. pg. 181: 3-13). Cyrus complained about not getting the same access to vehicles as Koreans. (Duckworth depo. pg. 181: 14-182:15). Cyrus complained about the Americans not being reimbursed for their expenses, both for fuel expenses and for when they took company trips as favorably or as quickly as Koreans. (Duckworth depo. pg. 182: 16-183:10). Cyrus complained that Koreans and Americans were being treated as separate teams and that the Americans were being treated less favorably than the Koreans. (Duckworth depo. pg. 184: 21-186:4). Cyrus complained that he and Americans were not being included in meetings that he needed to be in in order to do his job and that the Koreans told the Americans that it would take too long to go through meetings if they had to do them in English. (Duckworth depo. pg. 186: 5-16).

13. In his declaration, ¶9 Duckworth says that Cyrus contended that he was an exemplary employee and had no attitude problems. But in his deposition Duckworth changed his story. He said that Cyrus contended he had been an exemplary employee with reference to his conduct in the Song and Murakami meetings, but that he was sorrowful that his subordinates had seen him as disagreeable and out of touch (Duckworth depo pg. 201:15-202:4).

14. In his declaration, ¶12 Duckworth says that Cyrus never made any specific complaints about his own personal situation or that he was being discriminated against during any of the meetings when he, Duckworth, first arrived at HMMA. Similarly Defendant argues in its Reply Brief, page 11, that “Cyrus may have complained about company practices but there is no record evidence that he stated any belief that those practices were motivated by race or national origin discrimination as opposed to complications caused in any start-up operation that is transplanting employees half way around the world.” Duckworth’s deposition testimony contradicts this. He says that not long after he came Mr. Cyrus met with him about problems. (Duckworth depo. pg. 214: 16-217:8). Mr. Cyrus complained that meetings he attended were being conducted in Korean and also that there were meetings being held with Koreans but without Americans in them. (Duckworth depo. pg. 216: 18-217:8). Cyrus complained that



he was not being given appropriate authority for his level in the company and that this was a pattern in the company which affected other Americans. (Duckworth depo. pg. 217: 15-20). Cyrus complained that he felt that the Americans were being treated as a separate team from the Koreans. (Duckworth depo. pg. 218: 21-219:6). Cyrus complained to Duckworth that he and the Americans were not provided information that they needed to do their job. (Duckworth depo. pg. 220: 1-18). Cyrus complained that the American employees' expense reports were treated differently and less favorably from the Korean employees expense reports. (Duckworth depo. pg. 223: 1-10). Cyrus complained that with regard to cars coming out of the car pool for leased cars, which were part of employee compensation, Americans got less favorable cars than the Koreans. (Duckworth depo. pg. 224: 12-225:3). Cyrus complained that a Korean firing an American woman told her she could either work off her last two weeks or take off her last two weeks and she would be paid if she slept with him. (Duckworth depo. pg. 225: 4-227:1). Cyrus complained about Martha Harper who when her boss would go out of town would put one of her employees in charge instead of putting her in charge. (Duckworth depo. pg. 227: 2-16). Cyrus also complained about Kalson sleeping with staff. (Duckworth depo. pg. 227: 17-229:9). Cyrus also complained that he and other Americans didn't have the same authority as Koreans in equal

positions. (Duckworth depo. pg. 229: 19-230:12).

15. Duckworth described Cyrus' complaints about discrimination in decidedly negative and dismissive tones, from which a jury could conclude that Duckworth's assessment of Cyrus' attitude problem related to his complaints about discrimination and not to the Murakami meeting or the alleged Song meeting. For example when asked if Cyrus told him Americans were treated as a separate team than the Koreans, he says "no. he told me he believed..he felt like it was a separate team." (Duckworth depo. pg. 218: 21-19:6). When asked if Cyrus complained to him that the Americans were not being included in meetings and given information that they needed to do their job Duckworth's response was "that was his conclusion." (Duckworth depo. pg. 220: 1-18). When asked if Cyrus complained about Americans being excluded from meetings that they needed to attend, Duckworth said "it was not a complaint it was a concern but he did not want to argue semantics." (Duckworth depo. pg. 220: 19-222:23). When asked if Cyrus told him that Americans expense reports were treated less favorably than Korean employees expense reports Duckworth response was "he made that observation but he could not substantiate it." (Duckworth depo. pg. 223: 1-10). When asked if Cyrus complained to him that with regard the car pool for leased cars which was part of employee compensation, that the Americans got the less

favorable cars than the Koreans Duckworth said “he did complain but he was incorrect.” (Duckworth depo. pg. 224: 13-22). When Cyrus complained that a Korean told a woman employee that she could either work out her last two weeks or she could take her last two weeks off if she would sleep with him Duckworth acknowledged that Cyrus told him this. He also admitted that Cyrus told him that while the individual had been transferred to Korea that it was known that the individual was still employed with Hyundai. Duckworth’s response was “the gentleman was sent home. His career was ended. It was ruined. And I think he is no longer with HMC. I think Mr. Cyrus is completely wrong on that issue.” (Duckworth depo. pg. 225: 4-227:1).

16. Defendant argues that Mr. Choi was not similarly situated to the Plaintiff. (Defendant Reply Brief pg. 5 footnote 2). However, Duckworth acknowledges that Choi was Cyrus’ Korean counterpart. (Duckworth depo. pg. 90: 22-91:5).

17. Defendant in its reply brief at pages 5 through 8 says that it offer two reasons for Cyrus’s termination: 1) Cyrus’ unprofessional behavior exemplified in the Murakami meeting, and 2) Cyrus’s unwillingness to improve his attitude when Duckworth discussed concerns with him on October 22<sup>nd</sup>. Duckworth claims that he told Cyrus at the October 22<sup>nd</sup> meeting that his job was in jeopardy if he didn’t

agree to change, but the decision for his continued employment rested with Duckworth and that he, Duckworth, would be happy to support him if he agreed to improve his relationship and his working performance. But Cyrus said he wasn't prepared to do that. (Duckworth depo. pg. 203: 15-205:17). When asked the reason that he terminated Cyrus, Duckworth stated that it was because Cyrus indicated he wouldn't change his attitude at the end of a forty minute conversation. (Duckworth depo. pg. 210: 6-211:22). Duckworth did say that Cyrus's conduct at the Murakami meeting was the reason for Cyrus' termination.

18. Cyrus says Duckworth told him the decision had already been made to terminate him and that Duckworth had nothing to do with it, that Ahn and Kim wanted his resignation. (Cyrus declaration ¶8). Duckworth denies that he told Cyrus that it wasn't up to him, that it was up to other members of the executive committee. (Duckworth depo. pg. 206: 12-20).

19. Duckworth says that Cyrus told him that his frustration was so high that he did see how he could continue his employment. (Duckworth depo. pg. 203: 21-204:14). According to Duckworth, Cyrus said that he agreed that his termination was the best thing but that he wasn't going to walk away without confrontation. (Duckworth depo. pg. 207: 10-208:5). This contradicts Cyrus's statement that he asked Duckworth if there was anything he could do but

Duckworth told him no, that the decision had already been made. (Cyrus declaration ¶8) Cyrus' statement also contradicts Duckworth's assertion that he decided to terminate Cyrus only after Cyrus said he was not willing to improve his relationships and his work performance even though Duckworth offered him the chance to do so. (Duckworth depo. pg. 205: 1-206:1;210:3-211:22).

20. Defendant argues in its Reply Brief, page 14-15, that neither Kim nor Ahn had any knowledge of any alleged complaints of discrimination made by Cyrus before Cyrus was notified of his termination. Duckworth contradicts this. He says that he notified Ahn of Cyrus' complaints after Cyrus had made the discrimination complaints to him. (Duckworth depo. pg. 233: 3-13). Duckworth also says that "I'm confident the Koreans were well aware of [Cyrus' complaints]." (Duckworth depo. pg. 233: 14-21). From this it may be inferred that Kim, the COO, had been informed of Cyrus' complaints. This notification occurred before the individual came from Korea and spoke with Cyrus about his complaints (Duckworth depo. pg. 232: 5-234:11), which was about a month after Duckworth arrived in Alabama. (Duckworth depo. pg. 235: 9-14).

WHEREFORE, PREMISES CONSIDERED, Plaintiff submits that this Honorable Court should allow this supplementation of the factual record because Duckworth's deposition creates significant questions of material fact with regard

to allegations of fact in Duckworth's declaration and allegations of fact on which Defendant bases its arguments in its briefs in support of its motion for Summary Judgment.

Respectfully submitted,

s/Richard J. Stockham III

ASB-5599-k43r

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ROBERT CYRUS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No.: 2:07-cv-144-ID
	)	
HYUNDAI MOTOR COMPANY,	)	
et al.,	)	
	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on March 24, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification to the following attorneys of record:

Timothy A. Palmer  
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**DEPOSITION OF  
KEITH DUCKWORTH  
PART I**



IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ROBERT CYRUS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No.
	)	2:07-CV-144-ID
	)	
HYUNDAI MOTOR	)	
MANUFACTURING	)	
OF ALABAMA LLC,	)	
	)	
Defendant.	)	

DEPOSITION OF KEITH DUCKWORTH

S T I P U L A T I O N S

IT IS STIPULATED AND AGREED,  
by and between the parties through

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1 their respective counsel, that the  
 2 deposition of KEITH DUCKWORTH may be  
 3 taken before Sandra Peebles Daniel,  
 4 Commissioner, Notary Public, State  
 5 at Large, at the offices of MAYNARD,  
 6 COOPER & GALE, PC, AmSouth/Harbert  
 7 Plaza, 1901 6th Avenue North, Suite  
 8 2400, Birmingham, Alabama 35203, on  
 9 the 28th day of February, 2008,  
 10 beginning at approximately 9:00 a.m.  
 11 IT IS FURTHER STIPULATED AND  
 12 AGREED that the reading of and  
 13 signature to the deposition by the  
 14 witness is not waived, the  
 15 deposition to have the same force  
 16 and effect as if full compliance had  
 17 been had with all laws and rules of  
 18 Court relating to the taking of  
 19 depositions.  
 20 IT IS FURTHER STIPULATED AND  
 21 AGREED that it shall not be  
 22 necessary for any objections to be  
 23 made by counsel to any questions,

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1 except as to form or leading  
 2 questions, and that counsel for the  
 3 parties may make objections and  
 4 assign grounds at the time of the  
 5 trial, or at the time said  
 6 deposition is offered in evidence,  
 7 or prior thereto.  
 8 IT IS FURTHER STIPULATED AND  
 9 AGREED that notice of filing of the  
 10 deposition by the Commissioner is  
 11 waived.  
 12  
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 17  
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 20  
 21  
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 23

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 16 Duckworth)  
 17  
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1 APPEARANCES  
 2  
 3 BEFORE:  
 4 Sandra Peebles Daniel,  
 5 Commissioner, Notary Public  
 6  
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 22  
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Page 6

1 FOR THE DEFENDANT: (continued)  
 2 Mr. Jeffrey A. Lee  
 3 MAYNARD COOPER & GALE, PC  
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 7

8 ALSO PRESENT:  
 9 Christopher K. Whitehead  
 10 Hyundai Motor Manufacturing  
 11 Alabama, LLC  
 12 700 Hyundai Boulevard  
 13 Montgomery, Alabama 36105  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23

Page 7

1 I, Sandra Peebles Daniel, a  
 2 Court Reporter of Birmingham,  
 3 Alabama, Notary Public, State at  
 4 Large, acting as Commissioner,  
 5 certify that on this date, as  
 6 provided by Rule 30 of the Alabama  
 7 Rules of Civil Procedure, and the  
 8 foregoing stipulation of counsel,  
 9 there came before me at the offices  
 10 of MAYNARD, COOPER & GALE, PC,  
 11 AmSouth/Harbert Plaza, 1901 6th  
 12 Avenue North, Suite 2400,  
 13 Birmingham, Alabama 35203, on the  
 14 28th day of February, 2008, at or  
 15 about 9:00 a.m., KEITH DUCKWORTH,  
 16 witness in the above cause, for oral  
 17 examination, whereupon the following  
 18 proceedings were had:  
 19

20 THE COURT REPORTER: Usual  
 21 stipulations?  
 22

23 MR. BOSTICK: Yes. Yeah.  
 Do you want to read and sign your

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1 deposition before you -- you have  
 2 that opportunity. That would  
 3 probably be a good idea to do.

4 THE WITNESS: Oh, yes.  
 5 Uh-huh. Yes.

6 MR. BOSTICK: He wants to  
 7 read and sign.

8  
 9 KEITH DUCKWORTH,  
 10 having first been duly sworn, was  
 11 examined and testified as follows:  
 12

13 MR. STOCKHAM: We'll mark  
 14 this as Exhibit One.

15 (Whereupon, Plaintiff's  
 16 Exhibit One  
 17 was marked for  
 18 identification.)

19 MR. BOSTICK: Let me talk  
 20 with Mr. Duckworth just for two  
 21 seconds. I think there are a  
 22 couple of points that I want to  
 23 verify with him before we got

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1 started.

2 MR. STOCKHAM: Go ahead  
 3 and mark that as Exhibit Two.

4 (Whereupon, Plaintiff's  
 5 Exhibit Two  
 6 was marked for  
 7 identification.)

8 (Whereupon, a brief  
 9 recess was taken in  
 10 the deposition.)  
 11

12 EXAMINATION BY MR. STOCKHAM:

13 Q. For the record, your name  
 14 is?

15 A. Morris, M-o-r-r-i-s.  
 16 Middle name is Keith, K-e-i-t-h.  
 17 Last name is Duckworth,  
 18 D-u-c-k-w-o-r-t-h.

19 Q. This deposition is going  
 20 forth pursuant to a notice of  
 21 deposition issued for your  
 22 deposition. I understand from your  
 23 counsel that you are also being

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1 offered as HMMA's 30(b)(6)  
 2 representative regarding the person  
 3 who knows -- who is most familiar  
 4 with the facts concerning the  
 5 termination of Robert Cyrus. And  
 6 so I'm going to take both of those  
 7 depositions here --  
 8 MR. BOSTICK: Subject to  
 9 our previously asserted objections,  
 10 of course.  
 11 Q. -- today.  
 12 Now, as a preliminary  
 13 matter, Mr. Duckworth, have you  
 14 ever given a deposition before?  
 15 A. Yes, sir.  
 16 Q. On how many occasions?  
 17 A. Numerous.  
 18 Q. More than ten?  
 19 A. Yes, sir.  
 20 Q. When was the more -- most  
 21 recent one?  
 22 A. Approximately nine months  
 23 ago.

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1 Q. What case was that?  
 2 A. Do you want the name or do  
 3 you want the type of case?  
 4 Q. Both.  
 5 A. Okay. Name is Prehatka  
 6 versus Hyundai Motor America.  
 7 Q. What type of case was  
 8 that?  
 9 A. A wrongful discharge.  
 10 Q. Where is that pending?  
 11 A. Superior Court, Santa Ana,  
 12 California.  
 13 Q. Prior to that when was the  
 14 next most recent deposition that  
 15 you've given?  
 16 A. You know, I don't recall.  
 17 Q. How many have you given in  
 18 the last two years?  
 19 A. My recollection is just  
 20 this one.  
 21 Q. Prior to that have you  
 22 given depositions in any other  
 23 wrongful discharge cases?

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1 A. Yes, sir.  
 2 Q. How many?  
 3 A. It would only be an  
 4 estimate.  
 5 Q. What's your estimate?  
 6 A. Fifteen.  
 7 Q. And when was the -- when  
 8 were they?  
 9 A. Through my career in human  
 10 resources over the last  
 11 twenty-eight -- twenty-eight years,  
 12 thirty years.  
 13 Q. Have you given any of  
 14 those while you have been employed  
 15 with Hyundai?  
 16 A. I'm sure I have. I can't  
 17 tell you the specific names over  
 18 the years.  
 19 Q. Now, have you ever given a  
 20 deposition that was not related to  
 21 your employment?  
 22 MR. BOSTICK: Object to  
 23 the form.

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1 A. I'm not sure I understand  
 2 the question.  
 3 Q. In the depositions that  
 4 you told me about that you've given  
 5 up to -- dealing with wrongful  
 6 discharges, that was in your  
 7 capacity as an employee of the --  
 8 Hyundai or other corporations that  
 9 you worked for; is that correct?  
 10 A. Yes, that's correct.  
 11 Q. Have you ever given a  
 12 deposition in a case that was not  
 13 in relation to your employment?  
 14 A. Yes, sir.  
 15 Q. And --  
 16 A. No, excuse me. No, sir.  
 17 I have not.  
 18 Q. They've all been in your  
 19 capacity as --  
 20 A. That's correct.  
 21 Q. -- employee -- or employer  
 22 representative?  
 23 A. That's correct.

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1 Q. Now, have you given a  
2 deposition in any other matters  
3 relating to HMMA?  
4 A. No, sir.  
5 Q. Now, as a little  
6 preliminary issue have you -- any  
7 reason you can't testify fully and  
8 accurately today?  
9 A. No, sir.  
10 Q. Are you on any drugs?  
11 A. No, sir.  
12 Q. Are you suffering from any  
13 kind of illness?  
14 A. No, sir.  
15 Q. What have you done to  
16 prepare for your deposition here  
17 today?  
18 A. I have read documents,  
19 including notices to appear. I  
20 have looked at transcripts of  
21 previous depositions.  
22 Q. Anything else?  
23 A. I reviewed material

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1 pertinent to the case that I think  
2 has been submitted to you.  
3 Q. Anything else?  
4 A. I've spoken to legal  
5 counsels.  
6 Q. Anything else?  
7 A. Not that I recall.  
8 Q. What documents have you  
9 reviewed?  
10 A. The complaint, the  
11 notices, a deposition, those types  
12 of materials.  
13 Q. Which deposition have you  
14 read?  
15 A. I have not read all of the  
16 -- any -- I have not read all of  
17 any deposition. I just read a  
18 portion of Mr. Cyrus' deposition.  
19 Q. Any other depositions?  
20 A. I don't believe so.  
21 Q. Now, you understand that  
22 Mr. Cyrus has given a deposition in  
23 both the state and a federal case?

Page 16

1 A. Frankly, I was unaware of  
2 that.  
3 Q. What deposition of Mr.  
4 Cyrus did you read?  
5 A. I cannot distinguish  
6 between the two because I'm not  
7 familiar with the two depositions.  
8 I just read portions of a very  
9 thick deposition.  
10 Q. Well, I'll tell you that  
11 they're both very thick. Did it  
12 concern his hiring or his  
13 termination?  
14 MR. LEE: Richard, perhaps  
15 a better way to get at it is, does  
16 he remember who was asking the  
17 questions.  
18 Q. Do you remember who the  
19 lawyer was who was asking the  
20 questions?  
21 A. Yeah, Mr. Ivey.  
22 Q. Well, that wasn't any  
23 deposition I attended.

Page 17

1 A. The --  
2 MR. LEE: It was probably  
3 me.  
4 A. The majority of the  
5 deposition was almost exclusively  
6 the hiring process.  
7 Q. Now, with -- apart from  
8 the document -- excuse me. Apart  
9 from the deposition did you review  
10 -- what particular documents did  
11 you review?  
12 MR. LEE: Other than what  
13 he's already told you? He  
14 mentioned the complaint and the  
15 deposition --  
16 MR. STOCKHAM: Yeah.  
17 MR. Lee: -- notices.  
18 Q. Apart from the complaint  
19 and the deposition notices what  
20 other documents did you review?  
21 A. I would have to be given  
22 the documents to tell you, frankly.  
23 I can't tell you what the

Page 18

1 description by title is. I can --  
 2 if you have documents I'd be happy  
 3 to go through those and tell you if  
 4 I've read them. But, frankly, I  
 5 wasn't looking at them from the  
 6 perspective of their legal  
 7 significance.

8 Q. Well, were there any  
 9 documents that you generated --

10 A. Yes.

11 Q. -- that you reviewed?  
 12 Which ones did you generate that  
 13 you reviewed?

14 A. I reviewed a document  
 15 which I had generated to our legal  
 16 general counsel at HMMA.

17 MR. BOSTICK: Richard, I  
 18 believe that's a memo that he sent  
 19 to Rick Neal that we have objected  
 20 to as privileged and have  
 21 identified on the privilege log.

22 Q. Anything other than that  
 23 document?

Page 19

1 A. Oh, I'm sorry. Letters of  
 2 offer to Mr. Cyrus and his  
 3 responses.

4 Q. Anything else that you  
 5 generated that you reviewed?

6 A. I don't believe so. I  
 7 don't recall them if --

8 Q. Now, I'd like to get some  
 9 background information from you if  
 10 I may, sir.

11 A. Yes, sir.

12 Q. Where do you live?

13 A. I live in Canyon Lake,  
 14 California.

15 Q. How long have you lived  
 16 there?

17 A. Fourteen, fifteen years.

18 Q. And if I may get your  
 19 educational background. Where did  
 20 you go to high school?

21 A. Anaheim, California.

22 Q. When did you graduate?

23 A. 1965.

Page 20

1 Q. And did you go to college?

2 A. Yes, sir.

3 Q. Where did you go?

4 A. California State  
 5 University at Long Beach.

6 Q. And what degree did you  
 7 get?

8 A. Bachelor of Science.

9 Q. In what?

10 A. Criminology.

11 Q. When did --

12 A. Criminology, pre-law.

13 Q. When did you graduate?

14 A. 1969.

15 Q. Did you get any  
 16 post-graduate degrees?

17 A. Yes, sir.

18 Q. What did you get?

19 A. I have a degree in law.

20 Q. When did you get that?

21 A. 1978.

22 Q. Where?

23 A. Western State University

Page 21

1 College of Law.

2 Q. Where is that?

3 A. California.

4 Q. Where in California?

5 A. Fullerton, California.

6 Q. I'm sorry?

7 A. Fullerton, California.

8 Q. And do you have any other  
 9 post-graduate degrees?

10 A. No, sir.

11 Q. Any other post-graduate  
 12 education?

13 A. Seminars and that type of  
 14 process.

15 Q. Any regular course work  
 16 that you were working on a degree  
 17 toward?

18 A. No. No, sir.

19 Q. Let me get your employment  
 20 history if I may, please, sir.

21 A. Yes, sir.

22 Q. Where -- when you first  
 23 graduated from college where were



Page 22

1 you employed?  
 2 A. Seal Beach Police  
 3 Department, Orange County,  
 4 California.  
 5 Q. And in what position?  
 6 A. Police officer.  
 7 Q. How long were you there?  
 8 A. A little over a year.  
 9 Q. Where did you go after  
 10 that?  
 11 A. The U.S. Army.  
 12 Q. How long were you in the  
 13 Army?  
 14 A. A little over three --  
 15 three years.  
 16 Q. When you were discharged  
 17 what rank were you?  
 18 A. I was a sergeant, E5.  
 19 Q. And when was that?  
 20 A. 1970 to '73, little after  
 21 '73, middle of '73.  
 22 Q. Did you have any  
 23 employment while you were in the

Page 23

1 Army other than working in the  
 2 Army?  
 3 A. No, sir.  
 4 Q. What was your next job?  
 5 A. I'm back with the police  
 6 department.  
 7 Q. Seal Beach Police  
 8 Department?  
 9 A. Correct.  
 10 Q. And how long did you work  
 11 there?  
 12 A. Until 1979.  
 13 Q. What -- where did you go  
 14 then?  
 15 A. To Nissan Motor  
 16 Corporation.  
 17 Q. Now, where was that  
 18 located?  
 19 A. In California.  
 20 Q. Where?  
 21 A. Torrance, California.  
 22 Q. Torrance?  
 23 A. Yes.

Page 24

1 Q. And what did you do for  
 2 Nissan?  
 3 A. I was the corporate  
 4 personnel relations manager.  
 5 Q. And now, what was that  
 6 job?  
 7 A. I was responsible in the  
 8 United States for corporate  
 9 personnel, all functions of  
 10 personnel.  
 11 Q. Is it -- corporate  
 12 personnel, is that different from  
 13 hourly?  
 14 A. It's both hourly, exempt  
 15 and non-exempt.  
 16 Q. So is that the same thing  
 17 as a human resources job?  
 18 A. That's correct. It later  
 19 involved -- evolved to that name,  
 20 human resources.  
 21 Q. Functions the same?  
 22 A. Functions the same.  
 23 Q. How long did you work as

Page 25

1 the corporate personnel relations  
 2 person for Nissan Motor Corp?  
 3 A. From 1979 till 1989.  
 4 Q. And did your job change at  
 5 all in that ten year period?  
 6 A. Yes.  
 7 Q. How did it change?  
 8 A. Just added  
 9 responsibilities.  
 10 Q. What responsibility did --  
 11 MR. BOSTICK: Object to  
 12 the form.  
 13 Q. What responsibilities  
 14 changed? What new responsibilities  
 15 did you get?  
 16 A. Training, involvement in  
 17 compensations, benefits, just areas  
 18 that I had not had exposure to.  
 19 Q. Now, I gather from the  
 20 timing that you left the police  
 21 department after you got your law  
 22 degree and then began work --  
 23 A. That's correct.

1 Q. -- with Nissan as a result  
2 of having obtained your law degree;  
3 is that correct?

4 A. That's correct, yes, sir.

5 Q. Is that -- were those  
6 things -- you were working in the  
7 police department and going to law  
8 school at the same time?

9 A. Yes, sir.

10 Q. And then once you  
11 completed your law degree you  
12 obtained your position with Nissan?

13 A. That's -- that's correct,  
14 sir.

15 Q. Why did you leave Nissan?

16 A. I was recruited by Hyundai  
17 Motor America.

18 Q. And when was that?

19 A. May -- approximately May,  
20 1989.

21 Q. And where was that  
22 located?

23 A. Garden -- originally

1 Garden Grove, California.

2 Q. Where is that just so I'll  
3 know?

4 A. Maybe three miles from  
5 Disneyland.

6 Q. In the Los Angeles area?

7 A. Yes, sir, Anaheim --  
8 around the Anaheim area,  
9 Knott's Berry Farm, the amusement  
10 area of California.

11 Q. And I want to go into your  
12 -- the particulars of your  
13 employment with Hyundai. But for  
14 preliminary background purposes  
15 have you had any other employment  
16 outside of employment at Hyundai  
17 since May of '89?

18 A. No, sir.

19 Q. And -- let's see. You  
20 began work with -- let's see. That  
21 would have been -- one other thing  
22 I need to get.

23 What's your date of birth?

1 A. 12-13-46.

2 Q. So you were forty-three  
3 when you started with Hyundai; is  
4 that right?

5 A. Forty-two, I believe.

6 MR. STOCKHAM: I need to  
7 take a brief break.

8 (Whereupon, a brief  
9 recess was taken in  
10 the deposition.)

11 Q. (By Mr. Stockham) Mr.  
12 Duckworth, when you came to work  
13 with Hyundai -- how did you come to  
14 leave Nissan and go to work with  
15 Hyundai?

16 A. I was contacted by an  
17 executive recruiter.

18 Q. And when you went to work  
19 for Hyundai was it a new start-up  
20 in the --

21 A. Two years old.

22 Q. Two years old. And what  
23 position did you begin with?

1 A. Director of employee  
2 relations.

3 Q. And is that different from  
4 human resources?

5 A. It's the same.

6 Q. Is that the same thing  
7 that you were doing at Hyundai -- I  
8 mean, excuse me -- at Nissan?

9 A. Yes, sir.

10 Q. And as director of  
11 employee relations who did you  
12 report to?

13 A. The president -- oh,  
14 excuse me. Originally the vice  
15 president of finance.

16 Q. And who was that?

17 A. The gentleman's name was  
18 Mr. Bob Polenza.

19 Q. I'm sorry?

20 A. Polenza.

21 Q. How do you spell that?

22 A. P-o-l-e-n-z-a.

23 Q. And who was the president?



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1 A. President Bach. Bach.  
 2 Q. How do you spell that?  
 3 A. It's B-a-c-h.  
 4 Q. What was his first name?  
 5 A. I don't know. We never  
 6 called him by his first name.  
 7 Q. And when -- how many  
 8 people did you supervise in your  
 9 department?  
 10 A. An estimate?  
 11 Q. Yes.  
 12 A. I can only give you an  
 13 estimate. Twenty, twenty-five --  
 14 twenty --  
 15 Q. And how many of those were  
 16 your direct reports?  
 17 A. I don't recall. Maybe  
 18 four to five.  
 19 Q. Were all of those  
 20 individuals located at the same  
 21 location?  
 22 A. Yes.  
 23 Q. And did you have

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1 responsibilities for any off-site  
 2 locations at that time?  
 3 A. Well, I had  
 4 responsibilities for all personnel  
 5 within the U.S.  
 6 Q. When you say you had,  
 7 responsibilities for all personnel,  
 8 what does that mean?  
 9 A. From a human resources  
 10 perspective. We had a centralized  
 11 human resources system.  
 12 Q. Did your -- when did your  
 13 job change?  
 14 A. It just gravitated over a  
 15 period of years.  
 16 Q. Well, I understood -- I  
 17 mean, if I'm wrong, correct me,  
 18 please, sir -- that at a certain  
 19 point you stopped reporting  
 20 directly to Mr. Polenza and  
 21 reported directly to the president.  
 22 A. Yes.  
 23 Q. When did that change?

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1 A. Maybe eight months to a  
 2 year after coming to Hyundai.  
 3 Q. And the president -- Mr.  
 4 Bach?  
 5 A. Bach.  
 6 Q. Bach?  
 7 A. Uh-huh.  
 8 Q. And Mr. Bach, he was  
 9 Korean?  
 10 A. Yes, sir.  
 11 Q. And did he have -- was he  
 12 also employed at Hyundai Motor  
 13 Company as an employee there?  
 14 A. Yes, he was.  
 15 Q. Do you know what his  
 16 position in Hyundai Motor Company  
 17 in Korea was?  
 18 A. Was?  
 19 Q. Yes, sir.  
 20 A. He was a vice president.  
 21 Q. And did you ever have any  
 22 employment with Hyundai Motor  
 23 Company?

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1 A. No.  
 2 Q. Is Mr. Bach still the  
 3 president of Hyundai Motor America?  
 4 A. No, sir.  
 5 Q. When was he replaced?  
 6 A. Sixteen years ago,  
 7 approximately. Approximately. I  
 8 can't --  
 9 Q. Who was he replaced by?  
 10 A. A gentleman by the name of  
 11 Mr. Chung.  
 12 Q. And what was Mr. Chung's  
 13 position at Hyundai Motor  
 14 Corporation?  
 15 A. I assume he was a vice  
 16 president.  
 17 Q. Now, did you report to  
 18 him?  
 19 A. Yes, sir.  
 20 Q. And Mr. Chung, did he have  
 21 a first name?  
 22 A. He just used the initials  
 23 D.O., D, period, O, period.

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1 Q. And how long did you  
2 report to Mr. Chung?  
3 A. Three years maybe. Again,  
4 I'm giving you approximations.  
5 Q. And who replaced Mr. Chung  
6 as president of Hyundai Motor  
7 America?  
8 A. A gentleman by the name of  
9 Mr. Y.I, period, Lee, L-e-e.  
10 Q. And did you report to Mr.  
11 Lee?  
12 A. Yes, sir.  
13 Q. How long did you report to  
14 Mr. Lee?  
15 A. Approximately three years  
16 -- three.  
17 Q. Did your -- at the time  
18 that you reported to Mr. Bach, Mr.  
19 Chung and Mr. Lee did your job  
20 change?  
21 A. It gathered  
22 responsibilities. That's all.  
23 Q. When you say, gathered

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1 responsibilities, what changes were  
2 there?  
3 A. I became responsible for  
4 administration.  
5 Q. Administration of what?  
6 A. Corporate administration,  
7 the facilities, that type of thing.  
8 What else? Automobiles, corporate  
9 vehicles -- IT, the IT department  
10 reported to me.  
11 Q. When did you become  
12 responsible for IT, under which  
13 president?  
14 A. I believe under Mr. Chung.  
15 Q. The same question with  
16 regard to administration.  
17 A. Mr. Bach.  
18 Q. When did you become  
19 responsible for corporate vehicles?  
20 A. I'm sorry. I just don't  
21 recall, but maybe Mr. Bach or Mr.  
22 Chung, one of the individuals.  
23 Q. So -- and you said that

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1 you also became responsible for the  
2 buildings. Was that under the same  
3 time frame?  
4 A. Yes, sir.  
5 Q. Any changes after -- other  
6 than those four from when you  
7 initially began with Hyundai Motor  
8 America?  
9 A. I'm sorry. I just don't  
10 recall. I just don't recall.  
11 Q. After Mr. Lee who was your  
12 next boss?  
13 A. Mark, M-a-r-k, Juhn,  
14 J-u-h-n.  
15 Q. How long was Mr. Juhn  
16 president of --  
17 A. Maybe two years.  
18 Q. So that brings us up to  
19 '99 by my count. Does that sound  
20 about right to you?  
21 A. I prefer just to go  
22 through --  
23 Q. Okay.

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1 A. -- the individuals.  
2 Q. Why don't you go ahead --  
3 A. Because the timing may be  
4 off six months one way or the  
5 other.  
6 Q. Tell me who was after Mr.  
7 Juhn.  
8 A. A gentleman by the name of  
9 Mr. O'Neile, Fin O'Neile. Finbarr,  
10 F-i-n-b-a-r-r, O'Neile, O,  
11 apostrophe, N-e-i-l-e.  
12 Q. Was Mr. O'Neile Korean?  
13 A. American.  
14 Q. And how long was Mr.  
15 O'Neile president?  
16 A. About three years. Three  
17 to four years.  
18 Q. And any changes occur  
19 while you were working -- in your  
20 position while you were working  
21 under Mr. O'Neile?  
22 A. No.  
23 Q. Who was the next

1 president?

2 A. His name was Robert Cosmai  
3 but I did not report to him, to  
4 answer your question.

5 Q. Cosmai?

6 A. Cosmai.

7 Q. How do you --

8 A. C-o-s-m-a-i. His first  
9 name is Robert.

10 Q. And who did you report to  
11 when Mr. Cosmai became president?

12 A. A gentleman by the name of  
13 J.S. Chea. That's C-h-e-a.

14 Q. And what was Mr. Chea's  
15 position?

16 A. Senior executive  
17 coordinator.

18 Q. Did he also have a  
19 position with Hyundai Motor  
20 Corporation?

21 A. Yes.

22 Q. What was his position?

23 A. Vice president.

1 Q. Did Mr. O'Neile have a  
2 position with Hyundai Motor  
3 Corporation?

4 A. No, he did not.

5 Q. How about Mr. Cosmai?

6 A. No, he did not.

7 Q. How long did you report to  
8 Mr. Chea?

9 A. Six months maybe.  
10 Approximately.

11 Q. Then who did you report  
12 to?

13 A. Mr. Chea -- the  
14 gentleman's name is Owen Koh,  
15 K-o-h.

16 Q. What was his position?

17 A. President.

18 Q. He succeeded Mr. Cosmai?

19 A. That's correct.

20 Q. And did Mr. Koh have a  
21 position with Hyundai Motor  
22 Company?

23 A. Yes.

1 Q. What was his position  
2 there?

3 A. I'm not sure. He was a  
4 vice president of some type.

5 Q. Now, between the time that  
6 you reported to Mr. Juhn until the  
7 time that you reported to Mr. Koh  
8 did any -- did your job description  
9 change in any way?

10 A. My job titles changed but  
11 my position was basically the same.

12 Q. Any additional  
13 responsibilities that you took on  
14 in that time frame?

15 A. No, just all the aspects  
16 of human resources, as you call it,  
17 personnel/human resources, and the  
18 affiliate -- affiliated types of  
19 functions.

20 Q. Be anything expanded other  
21 than what you had originally done?

22 A. No, just an increase in  
23 personnel that we had.

1 Q. How many people -- did the  
2 number of people who were your  
3 direct reports change?

4 A. Oh, they've gone up and  
5 gone down, yes.

6 Q. What was the highest  
7 number of direct reports that you  
8 had in this time frame?

9 A. I -- you know, I couldn't  
10 -- I'd have to think about that if  
11 you don't mind.

12 Direct reports, maybe ten,  
13 eleven people.

14 Q. Now, how long did you  
15 report to President Koh?

16 A. Two years.

17 Q. And then who did you  
18 report to?

19 A. Mr. Kim.

20 Q. What was Mr. Kim's first  
21 name?

22 A. It -- just the first  
23 letter, J.

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1 Q. And what was Mr. Kim's  
2 position?  
3 A. President.  
4 Q. Did Mr. Kim have a  
5 position with Hyundai Motor  
6 Corporation?  
7 A. Yes.  
8 Q. What was his position?  
9 A. He's a vice president.  
10 Q. Now, how long did you  
11 report to Mr. Kim?  
12 A. Thirty days.  
13 Q. Who did you report to  
14 after that?  
15 A. He's still in place.  
16 Q. So he is your current  
17 boss?  
18 A. That's correct.  
19 Q. And you reported to Mr.  
20 Kim for thirty days. So  
21 immediately preceding that was Mr.  
22 Koh?  
23 A. That's correct.

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1 Q. And you reported to Mr.  
2 Koh for two years?  
3 A. That's correct.  
4 Q. And immediately preceding  
5 that was Mr. Chea?  
6 A. That's correct.  
7 Q. Now, when you were --  
8 between -- at what point did you --  
9 were you assigned to work at HMMA?  
10 A. 2005.  
11 Q. At that time who did you  
12 report to?  
13 A. I had a dual reporting  
14 relationship.  
15 Q. And who was your boss at  
16 Hyundai Motor America?  
17 A. It was -- it started with  
18 Mr. Chea, Mr. -- which is Mr. Chea,  
19 and then Mr. Koh.  
20 Q. So --  
21 A. And then Mr. Ahn.  
22 Q. When you were reporting to  
23 Mr. Chea initially was that when

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1 you were initially transferred to  
2 Alabama?  
3 A. Yes, sir.  
4 Q. Prior to that time who did  
5 you report to?  
6 A. Prior to Mr. Chea's time?  
7 Q. Before your coming to  
8 Alabama.  
9 MR. BOSTICK: Object to  
10 the form. Do you mean immediately  
11 preceding?  
12 MR. STOCKHAM: Yeah,  
13 immediately preceding.  
14 A. Mr. O'Neile.  
15 Q. And so Mr. O'Neile was  
16 president of Hyundai Motor America  
17 when you came to HMMA; is that  
18 correct?  
19 A. No, sir.  
20 Q. Who was president of H --  
21 A. Mr. -- president?  
22 Q. Yes, sir.  
23 A. Mr. Cosmai.

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1 Q. Did the appointment of Mr.  
2 Cosmai as president of HMA coincide  
3 with your coming to Alabama?  
4 A. No, sir.  
5 Q. So at some point you  
6 reported directly to President  
7 Cosmai --  
8 A. No. I never reported to  
9 Mr. Cosmai.  
10 Q. Well, explain to me how  
11 that worked.  
12 MR. LEE: He already did.  
13 He told you he reported to J.S.  
14 Chea, which is actually Chea, and  
15 he never reported to Mr. Cosmai.  
16 He was president but he didn't  
17 report to him.  
18 Q. Tell me how that  
19 transition occurred, please, sir.  
20 A. Mr. Cosmai was the  
21 president but had primary  
22 responsibility for sales,  
23 marketing, public relations, parts,

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1 service and the support systems,  
2 such as legal, finance, HR --  
3 reported to Mr. Chea.

4 Q. And when that -- that  
5 changeover occurred was that at the  
6 same time that you were transferred  
7 to -- or sent to Alabama?

8 A. No, it was after that. I  
9 was transferred after Mr. Chea  
10 became the executive coordinator.

11 Q. How long after?

12 A. An approximation would be  
13 six months. That's an -- that's  
14 very rough.

15 Q. Now, I understood you to  
16 say that you worked for Mr. Chea  
17 for six months. So can -- who did  
18 you report to at HMA when you were  
19 working for HMMA?

20 A. I had a dual reporting  
21 relationship. I reported to Mr.  
22 Chea until he left, then to Mr.  
23 Koh. And then at the plant I

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1 reported to Mr. Ahn.

2 Q. Now, other than your --  
3 when you came to Alabama, prior to  
4 that time, did your -- other than  
5 you've described for me heretofore  
6 did your job change in any way?

7 MR. BOSTICK: Object to  
8 the form.

9 A. From a structural  
10 perspective, no. But in a  
11 corporation, just like any other  
12 organization, you receive  
13 assignments all the time that take  
14 you back and forth through the --  
15 through various responsibilities  
16 and assignments that may not be  
17 directly reporting to HR  
18 perspective because you may be the  
19 only executive available at that  
20 time. So I've been involved in  
21 sales. I've been involved in  
22 marketing issues. I've been  
23 involved in public relations

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1 issues. It just depends upon --  
2 I'm an executive, okay, a broad  
3 term executive.

4 Q. Now, have you been sent  
5 anywhere other than the two years  
6 that you were sent to Alabama?

7 A. On an assignment?

8 Q. On an assignment.

9 A. No, sir.

10 Q. Now, as far as reporting,  
11 have you ever had any reporting  
12 responsibilities to Korea?

13 MR. BOSTICK: Object to  
14 the form.

15 A. My boss is here at HMA,  
16 has always been here at HMA. Or  
17 when I was in Alabama it was dual,  
18 HMMA and HMA.

19 Q. So I take that that you've  
20 never had any reporting  
21 responsibilities to anyone in  
22 Korea; is that correct?

23 A. I'm trying to give you an

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1 accurate picture. I believe that  
2 executives, okay, have a  
3 responsibility always to the parent  
4 corporation. But the reporting  
5 relationship is very structured and  
6 it always goes through the  
7 president of the corporation, HMA,  
8 or HMMA.

9 (Whereupon, Plaintiff's  
10 Exhibit Three  
11 was marked for  
12 identification.)

13 Q. Now, I show you what I  
14 have marked as Exhibit Three to  
15 your deposition.

16 A. Yes, sir.

17 Q. Have you seen -- have you  
18 seen --

19 MR. BOSTICK: Have you got  
20 some extra copies with you? Is  
21 that his declaration?

22 MR. STOCKHAM: I have --  
23 yeah, it's a declaration. I



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1 have --  
 2 MR. BOSTICK: I've got --  
 3 MR. STOCKHAM: -- one  
 4 copy.  
 5 Q. (By Mr. Stockham) Mr.  
 6 Duckworth, this document has  
 7 something that appears to be your  
 8 signature on page six. Is that  
 9 your signature?  
 10 A. Yes, sir.  
 11 Q. And it appears to be  
 12 initialed in the lower right corner  
 13 on pages one, two, three, four and  
 14 five. Are those your initials?  
 15 A. Yes, sir.  
 16 Q. Did you participate in the  
 17 preparation of this document?  
 18 A. Yes, sir.  
 19 Q. Now, attached to it are  
 20 two exhibits, exhibit one and two.  
 21 Did you review both of those  
 22 documents before you attached them  
 23 to this document (indicating)?

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1 A. Exhibit one, yes. And may  
 2 I review exhibit two?  
 3 MR. STOCKHAM: Tell you  
 4 what. Take your time. I'm going  
 5 to run -- be right back.  
 6 (Whereupon, a brief  
 7 recess was taken in  
 8 the deposition.)  
 9 Q. (By Mr. Stockham) These  
 10 documents attached to exhibit one  
 11 -- which are a part of exhibit one,  
 12 are those the documents that you  
 13 read prior to attaching them to  
 14 this -- did you read those  
 15 documents prior to attaching them  
 16 to this declaration?  
 17 A. Yes, sir.  
 18 Q. Now, to serve as a  
 19 framework for our discussions here  
 20 today I want to consult this  
 21 document (indicating) to facilitate  
 22 the progress of the deposition.  
 23 In -- this is a statement

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1 or declaration that you prepared in  
 2 this lawsuit, is it not?  
 3 A. Yes, sir.  
 4 Q. And did you do this in  
 5 consultation with counsel?  
 6 A. Yes, sir.  
 7 Q. And the purpose of  
 8 preparing this declaration, you  
 9 understood, was to obtain summary  
 10 judgment for HMMA?  
 11 MR. BOSTICK: Object to  
 12 the form.  
 13 A. No, I don't believe that's  
 14 an accurate portrayal.  
 15 Q. Did you understand that  
 16 this document was being prepared to  
 17 submit in conjunction with a motion  
 18 for summary judgment?  
 19 A. I don't believe that I had  
 20 been given that information. I was  
 21 asked to give a declaration that  
 22 provided the accuracy of my  
 23 experiences with Mr. Cyrus, the

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1 purpose for which I thought was for  
 2 clarification for yourself, the  
 3 Court and however it was to be  
 4 utilized.  
 5 Q. Did you prepare this?  
 6 A. Yes.  
 7 Q. And --  
 8 A. When you say, prepare, did  
 9 I prepare it, did I type it, did I  
 10 -- I had input into this, yes.  
 11 Q. Did you edit it?  
 12 A. Yes, sir.  
 13 Q. Did you -- did your  
 14 secretary type it up?  
 15 A. No, sir.  
 16 Q. Who typed it up?  
 17 A. Someone within the legal  
 18 department.  
 19 Q. In California?  
 20 A. I can't tell you that. I  
 21 don't know.  
 22 Q. Well, notice that it --  
 23 according to this it was prepared

Page 54

1 January 15th. Who did you consult  
2 with in preparing this document?

3 MR. BOSTICK: Object to  
4 any testimony regarding  
5 communications with counsel.

6 Q. You can identify who you  
7 talked to.

8 A. Legal counsel, HMA.

9 Q. And who was that?

10 A. Graham Sharp, S-h-a-r-p.

11 Q. Where is Mr. Sharp  
12 located?

13 A. HMA.

14 Q. In California?

15 A. Yes, uh-huh.

16 Q. Anyone else that you spoke  
17 with?

18 A. I don't recall. Legal  
19 counsel in Alabama but specifically  
20 who right now escapes me. Just  
21 telephone conversations.

22 Q. Is that one or more than  
23 one individual?

Page 55

1 A. I believe more than one.

2 Q. Did you speak with Mr.  
3 Bostick here?

4 A. I can't tell you,  
5 Counselor, because at the time I  
6 did not know the gentlemen  
7 specifically and I didn't take  
8 notes and I was -- Mr. Sharp was in  
9 charge and he was saying we were  
10 speaking to legal counsel in  
11 Alabama.

12 Q. So you were in a meeting  
13 with Mr. Sharp and there was a  
14 legal counsel on the phone; is that  
15 what you're saying?

16 A. Yes, uh-huh.

17 Q. Now, was that on one  
18 occasion or more than one occasion  
19 that you had --

20 A. My recollection is twice.

21 Q. And did you dictate any of  
22 this language or was it language  
23 that was presented to you and you

Page 56

1 edited it?

2 A. Boy, that's a -- I believe  
3 this work product is as a result of  
4 meeting with legal counsel and HMA.  
5 Whether I prepared a portion of it,  
6 I can't remember, to be quite  
7 candid. I can't remember if I  
8 wrote it or I dictated it or I told  
9 legal counsel.

10 Q. That was just last month.

11 A. I know, sir, but this is  
12 not the main focus of my life.

13 Q. So you can't tell me today  
14 whether or not you dictated any of  
15 it or drafted any of it?

16 A. The drafting of it is a  
17 product of the legal department.  
18 The information provided within the  
19 document is mine.

20 Q. Well, can you tell me  
21 today whether you edited any of it?

22 A. Yes.

23 Q. You did?

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1 A. Yes.

2 Q. Looking at the -- at  
3 paragraph two it says that you  
4 were, temporarily assigned to work  
5 at Hyundai Motor Manufacturing  
6 Alabama in the capacity of deputy  
7 president and chief administrative  
8 officer for a period of two years.

9 Did you retain your title  
10 at Hyundai Motor America when you  
11 were deputy president and chief  
12 administrative officer?

13 A. Yes, sir.

14 Q. Did your compensation  
15 change in any when you -- any way  
16 when you became deputy president  
17 and chief administrative officer at  
18 HMMA?

19 A. Yes, sir.

20 Q. How did it change?

21 A. I received an increase for  
22 living expenses for Alabama, and my  
23 salary was increased.

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1 Q. And when you became the --  
2 that position -- what -- it says  
3 you came in August of 2005. When in  
4 August did you come?

5 A. Specific date?

6 Q. Yes, sir.

7 A. I can't tell you.

8 Q. What part of the month?

9 A. Early on. Early on.

10 Q. First day, first week?

11 A. I would say first week and  
12 a half of August.

13 Q. So somewhere between the  
14 7th and the 10th?

15 A. I've given you my best  
16 estimate, sir.

17 Q. Yeah. That's what I'm  
18 trying to gather. You said, week,  
19 week and a half; is that right?

20 A. A week, week and a half,  
21 yes, sir.

22 Q. Okay. That's why I said  
23 7th to 10th.

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1 A. Yeah. I was going back  
2 and forth. That's why I -- I don't  
3 recall specifically.

4 Q. So when you first came out  
5 -- came you were going back and  
6 forth between California and  
7 Alabama?

8 A. Yes, sir.

9 Q. How long did you go back  
10 and forth between California and  
11 Alabama?

12 A. How long in what sense?

13 Q. I gather from what you're  
14 saying that you transitioned back  
15 and forth, meaning that you flew  
16 here and then you would spend a few  
17 days here and then you'd travel  
18 back to California --

19 A. That's correct.

20 Q. -- spend time there and  
21 come back here and spend time here  
22 and go there and --

23 A. Yes, sir.

Page 60

1 Q. -- spend time there.  
2 How long did that back and  
3 forth --

4 A. Oh.

5 Q. -- go on?

6 A. I understand. During a --  
7 maybe -- significantly maybe the  
8 first six to eight months.

9 Q. So during the first six to  
10 eight months how frequently would  
11 you be in California?

12 A. Maybe once every month and  
13 a half, maybe every month. There  
14 was no regular basis. It was  
15 dependent upon when I was needed.

16 Q. So you wouldn't be going  
17 every week back and forth?

18 A. That would be a rarity.

19 Q. Well, when you first got  
20 here did you go back and forth  
21 every week?

22 A. When I first arrived, no.

23 Q. When you first arrived did

Page 61

1 you buy a home here?

2 A. No.

3 Q. Where did you stay?

4 A. In an apartment.

5 Q. Did you ever get a home?

6 A. No.

7 Q. Where was the apartment?

8 A. On Atlantic -- Atlanta  
9 Boulevard in Montgomery, Alabama.

10 Q. Did your family ever move  
11 here with you?

12 A. No.

13 Q. Did you go home on the  
14 weekends?

15 A. Rarely.

16 Q. Now, when you first  
17 arrived --

18 A. Let me say -- rarely --  
19 not often enough. Okay?

20 Q. Well, how often?

21 A. Depending upon the  
22 business maybe once every other  
23 month, once -- something like that.



Page 62

1 Q. Why were you transferred  
2 here to Alabama?

3 A. To help improve the  
4 communication system within the  
5 plant, and to assist the plant  
6 developing HR practices.

7 Q. And who made that  
8 decision?

9 A. I can't tell you. I don't  
10 know.

11 Q. When were you first  
12 informed of that decision?

13 A. End of July, early August.

14 Q. Were you aware of problems  
15 in HR in communication here in  
16 Alabama prior to that?

17 A. Yes.

18 Q. What were you aware of?

19 A. I had been advised by  
20 individuals in the plant that there  
21 was difficulty in communications  
22 and that they were struggling in  
23 some areas.

Page 63

1 Q. Who advised you of that?

2 A. One would be Mr. Kimble,  
3 director of HR.

4 Q. Did he report to you?

5 A. No, he did not.

6 Q. Anyone else advise you of  
7 that?

8 A. Mr. Cyrus.

9 Q. Anyone else advise you of  
10 that?

11 A. Over a period of time,  
12 yes.

13 Q. Who?

14 A. Initially those were the  
15 two sources and then they quoted  
16 the other sources of information.

17 Q. And was this something  
18 that you passed on?

19 A. Yes, sir.

20 Q. Who did you pass it on to?

21 A. Mr. Chea.

22 Q. Do you speak Korean?

23 A. No.

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1 Q. Do you read Korean?

2 A. No.

3 Q. Now, with regard to the  
4 decision, who informed you of it,  
5 that you were going to be coming to  
6 Alabama?

7 A. I was informed by several  
8 people.

9 Q. Who?

10 A. Mr. Chea.

11 Q. Is that the same person as  
12 Mr. Chea we've been --

13 A. Yes.

14 Q. -- talking about?

15 A. Same. Mr. Choi.

16 Q. Are Mr. Chea and Mr. Choi  
17 the same person?

18 A. Different individual.

19 Q. Okay. Well --

20 A. And --

21 Q. -- Mr. -- the one who was  
22 the person that you reported to  
23 when Mr. Cosmai was president, is

Page 65

1 that one of the ones who informed  
2 you?

3 A. Yes, uh-huh.

4 Q. And you said there was  
5 another Mr. Choi. Who was that?

6 A. Mr. Choi is at HMC.

7 Q. In Korea?

8 A. Yes.

9 Q. Did he come and tell you  
10 or did he inform you by phone?

11 A. No, on a visit he stopped  
12 by and see me -- he -- and sought  
13 me out just to tell me.

14 Q. And what did he tell you?

15 A. He told me that I was  
16 needed in Alabama to help  
17 strengthen the HR system, improve  
18 communication between management  
19 and employees and between the  
20 working -- and to help with the --  
21 or the organization systems.

22 Q. Anyone other than Mr. Chea  
23 and Mr. Choi tell you that you were

Page 66

1 coming to Alabama?

2 A. I'm not sure I understand  
3 the question, frankly, because  
4 there was discussions amongst my  
5 subordinates, amongst my  
6 colleagues. You know, everybody  
7 I --

8 Q. What I'm trying to find  
9 out is, when did you -- who told  
10 you you were coming to Alabama?

11 A. I was told by a number of  
12 people in various times.

13 Q. When did you first find  
14 out?

15 A. James Choi told me.

16 Q. When was that?

17 A. In July -- or the end of  
18 July, early August.

19 Q. And he's the fellow from  
20 Korea?

21 A. That's correct.

22 Q. What's his position?

23 A. At that time or now?

Page 67

1 Q. Then.

2 A. Executive vice president,  
3 I believe.

4 Q. He wasn't your immediate  
5 boss?

6 A. No.

7 Q. At that time you were  
8 working for who?

9 A. Mr. Chea.

10 Q. After Mr. Choi told you --

11 A. Yes.

12 Q. -- who next told you?

13 A. Probably my coordinator.

14 Q. Which was who?

15 A. His name was -- let's see.

16 At the time -- let me think about  
17 it and I'll give you his name. I  
18 just drew a blank on that.

19 Q. Now, between the time that  
20 you were told and the time that you  
21 first showed up did you have any  
22 discussions with anyone about what  
23 your job was going to be?

Page 68

1 A. Yes.

2 Q. And who did you have those  
3 discussions with?

4 A. Mr. Choi again, James  
5 Choi; Mr. Kim, D.J. Kim; Mr. -- I'm  
6 -- that was basically --

7 Q. What did Mr. James Choi  
8 tell you?

9 A. That I was needed at the  
10 plant to improve communications, to  
11 assist the Americans in  
12 understanding the cultural  
13 differences between the Korean  
14 company and an American company, to  
15 assist the Koreans understanding  
16 American culture, to help improve  
17 the working environment for  
18 employees, to assist in helping  
19 employees take a pride in the  
20 Hyundai name, to foster and improve  
21 employee relations, management  
22 relations.

23 Q. What problems did you

Page 69

1 understand existed with regard to  
2 that?

3 MR. BOSTICK: Object to  
4 the form.

5 A. Within the plant the  
6 Korean staff, executive staff, were  
7 not familiar with American customs  
8 and habits and they were very  
9 focused on plant operations and  
10 didn't always understand the  
11 customs and habits of Americans.

12 On the other hand,  
13 Americans didn't understand the  
14 expressions of Koreans, how they  
15 interact, and it was a merger of  
16 two cultures.

17 Q. What did Mr. T.J. Kim tell  
18 you?

19 A. D.J. Kim?

20 Q. Is it D.J.?

21 A. D., as in as in Dan.

22 He told me that this was  
23 an important investment and that

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1 Hyundai wanted to ensure that it  
 2 was successful and that the  
 3 relationship between all parties in  
 4 the plant were critical to the  
 5 success of the company and that no  
 6 one in the plant had the expertise  
 7 and understood Hyundai on the  
 8 American side. They didn't have  
 9 the experience of knowing the  
 10 corporation and the culture of the  
 11 company.

12 Q. Who is Mr. D.J. Kim?

13 A. He was the vice chairman.

14 Q. Vice chairman of?

15 A. Hyundai --

16 Q. In Korea?

17 A. Yes.

18 Q. Did he call you or did you  
 19 have a personal face-to-face  
 20 meeting?

21 A. No, I had a face-to-face  
 22 meeting. But he didn't come to see  
 23 me.

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1 Q. Was this in California or  
 2 in Korea?

3 A. It was in California and  
 4 Alabama.

5 Q. Now, when you were asked  
 6 to go did they tell you how long  
 7 you were going to go?

8 A. Yes.

9 Q. Now, the next sentence, it  
 10 says, I was involved in Robert  
 11 Cyrus' initial hiring with HMMA in  
 12 that I was his American contact,  
 13 spoke with him about benefits and  
 14 sent him a letter explaining the  
 15 terms of his employment. I was not  
 16 involved in the decision to hire  
 17 Mr. Cyrus.

18 Now, you -- we're going to  
 19 talk about that extensively later  
 20 today. But for the purposes of  
 21 this, you didn't interview Mr.  
 22 Cyrus, did you?

23 A. For employment?

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1 Q. Yes, sir.

2 A. No, sir.

3 Q. And when you spoke with  
 4 him about benefits, that was after  
 5 he had already been made his job  
 6 offer?

7 A. I don't recall.

8 Q. Now, when you said -- say  
 9 here that you were involved in the  
 10 initial hiring, do you recall who  
 11 made the decision, who informed  
 12 you?

13 A. My coordinator.

14 Q. Who was that?

15 A. Darren Kahn.

16 Q. Darren who?

17 A. Kahn, K-a-h-n.

18 Q. And is Mr. Kahn with HMA?

19 A. No, sir.

20 Q. Who is Mr. Kahn with?

21 A. I couldn't tell you. I  
 22 don't know.

23 Q. Is he in Korea?

Page 73

1 A. I don't know where he's  
 2 at.

3 Q. At the time that you said  
 4 that he informed you where was Mr.  
 5 Kahn?

6 A. At HMA.

7 Q. He was at HMA. Do you  
 8 know what his position was?

9 A. He was a coordinator and  
 10 what his title was, whether it was  
 11 a senior coordinator or exactly the  
 12 coordinator -- I think it was  
 13 senior coordinator.

14 Q. What does that mean?

15 A. He was a coordinator to  
 16 the HR department and assisted in  
 17 communications between Koreans and  
 18 Americans.

19 Q. He worked for you?

20 A. Yes.

21 Q. Looking at the paragraph  
 22 three it says, in October of 2005 I  
 23 attended a meeting with President

Page 74

1 J.S. Ahn. Where did that meeting  
2 take place?  
3 A. In his office.  
4 Q. Who was present?  
5 A. President Ahn, myself,  
6 B.K. Kim.  
7 Q. D.K.?  
8 A. B, B as in boy. B.K. Kim  
9 and Eddie Jin.  
10 Q. Anyone else?  
11 A. I believe that was the  
12 meeting participants.  
13 Q. Who is B.K. Kim?  
14 A. Mr. Kim was an executive  
15 vice president over HR and plant  
16 systems such as IT -- IT and  
17 technical communications.  
18 Q. Executive vice president  
19 of what company?  
20 A. HMMA.  
21 Q. And who is Eddie Jin?  
22 A. He was an executive  
23 coordinator or a senior coordinator

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1 for the legal department.  
2 Q. Now -- he reported to who,  
3 Mr. Jin?  
4 A. Rick Neal, Mr. Rick Neal.  
5 Q. And did you have any  
6 translators present?  
7 A. Mr. Jin was the  
8 translator.  
9 Q. And with regard -- Mr.  
10 Kim, is -- was he on your same  
11 level or is he --  
12 A. He reported to me.  
13 Q. Reported to you.  
14 How was that meeting --  
15 how were you notified of that  
16 meeting?  
17 A. I don't recall. Someone,  
18 I believe, called my secretary and  
19 said that the president needed to  
20 see me.  
21 Q. Did you make any notes of  
22 that meeting?  
23 A. No.

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1 Q. Were there any minutes  
2 kept of that meeting?  
3 A. Not that I know of.  
4 Q. And Mr. Kim, did he speak  
5 English?  
6 A. Yes.  
7 Q. Mr. J.S. Ahn, did he speak  
8 English?  
9 A. I would have to ask you,  
10 with due respect, what your  
11 standard of speaking English is.  
12 Q. Did you talk in English  
13 with him?  
14 A. I could but not on every  
15 subject. Nor could he talk to me  
16 on every subject in English.  
17 Q. In the meeting on -- that  
18 you described in paragraph three of  
19 your declaration did you speak with  
20 President Ahn in English?  
21 A. He spoke to me in English  
22 and then would turn to Mr. Jin when  
23 he could not verbalize what he

Page 77

1 wanted to say and then would say it  
2 in Korean to Mr. Jin. And  
3 sometimes Mr. Kim would translate  
4 it.  
5 Q. Now, how long did this  
6 meeting last?  
7 A. Forty-five minutes.  
8 Q. And do you know the date  
9 of the meeting?  
10 A. I don't recall.  
11 Q. Now, it says that it was  
12 called concerning the performance  
13 and concerns President Ahn had with  
14 Robert Cyrus' performance and  
15 attitude. Were you informed of  
16 that before you got to the meeting?  
17 A. Would you repeat the  
18 question?  
19 MR. BOSTICK: Object to  
20 the form.  
21 A. I'm sorry.  
22 Q. Reading your sentence  
23 here, it says, the purpose of the

Page 78

1 meeting was to discuss concerns  
2 that President Ahn had with Robert  
3 Cyrus' performance and attitude.  
4 My question is: Where you informed  
5 of that before you came to the  
6 meeting?

7 A. No.

8 Q. Was there an agenda for  
9 the meeting?

10 A. No.

11 Q. It says -- the next thing  
12 says, in particular, President Ahn  
13 had recently received a complaint  
14 from Mr. H.I. Kim, chief operating  
15 officer, about a meeting that took  
16 place on September 16th between  
17 HMMA officials and officials from  
18 Murakami Manufacturing Company.  
19 Tell me how that information was  
20 brought to your attention.

21 A. Can you be more specific  
22 about the question?

23 Q. Yeah. How did you find

Page 79

1 out what the subject matter of this  
2 meeting that you were called to --

3 A. Oh, President Ahn advised  
4 me.

5 Q. What did he say?

6 A. He said there has been  
7 concerns raised by the production  
8 department concerning the actions  
9 of Mr. Cyrus.

10 Q. Did he go into detail  
11 about what was raised by the  
12 production department?

13 MR. LEE: During the  
14 meeting or before the meeting,  
15 Richard?

16 MR. STOCKHAM: I had  
17 understood that he didn't talk to  
18 him before the meeting.

19 A. No. I had spoken to Mr.  
20 Cyrus but I hadn't spoken to him.

21 Q. Yes, sir. I want to know  
22 about the meeting that you had with  
23 President Ahn.

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1 A. I'm sorry. Could you read  
2 the question back?

3 Q. Yes, sir. I'll restate  
4 the question.

5 Did Mr. Ahn go into detail  
6 about the concerns that people in  
7 the production department had about  
8 Mr. Cyrus?

9 A. Yes, sir, he did.

10 Q. What did he say?

11 A. If you would let me  
12 complete. He did -- when I said,  
13 he told me, he told me a portion.  
14 He asked certain portions to be  
15 translated to me. So, did he  
16 communicate it? Yes, he  
17 communicated it to me. But he  
18 didn't say it all because some of  
19 it he could not describe.

20 Q. Well, what --

21 A. I want to be accurate  
22 in --

23 Q. What did --

Page 81

1 A. -- answering your  
2 question.

3 Q. What did he communicate to  
4 you? In English first of all and  
5 then what he was--

6 A. He said that there had  
7 been a problem between production  
8 and Mr. Cyrus and that the  
9 production department was extremely  
10 upset over the conduct or the way  
11 he had been at the meeting, the way  
12 he had acted at the meeting.

13 Q. Is that all he said in  
14 English?

15 A. And then -- yes. And then  
16 he turned to Mr. Jin and Mr. Kim.

17 Q. And what did they report  
18 to you that he said?

19 A. They reported that there  
20 had been a meeting with a vendor  
21 and that Mr. Cyrus had become loud,  
22 defiant, had embarrassed Mr. Kim,  
23 had -- would not conduct himself in



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1 concert with the agenda and became  
2 disruptive in the meeting.

3 Q. Is that all they said?

4 A. That they were  
5 disappointed with his conduct, with  
6 his actions, his judgment and that  
7 they didn't understand the  
8 motivation, didn't understand what  
9 -- they couldn't understand it, why  
10 this had happened.

11 Q. Anything else they said?

12 A. President Ahn said it was  
13 a concern and that he didn't know  
14 how --

15 Q. Before you go on --

16 A. -- how this -- let me  
17 finish, sir -- how this should be  
18 handled.

19 Q. Now, you said President  
20 Ahn said that. What I was trying  
21 to get from you is what the other  
22 individuals translated.

23 A. They translated basically

Page 83

1 what I have stated. But President  
2 Ahn asked me in English, what  
3 should I do about this. What --  
4 how do I do this? How do I resolve  
5 this problem?

6 Q. Is that all he said?

7 A. And he asked me for my  
8 input.

9 Q. Did he go into the  
10 specifics of what occurred in the  
11 meeting?

12 A. He did, sir, but through  
13 the translator. He did not to me,  
14 but through the translator, which  
15 was -- was directed to me.

16 Q. Now, was that Mr. Jin or  
17 Mr. Kim?

18 A. Both of them.

19 Q. Did he provide you with  
20 any written notes of the meeting?

21 A. He did not.

22 Q. Have you ever seen any  
23 written notes of the meeting?

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1 A. No. Of that meeting?

2 Q. Yes.

3 A. No, I didn't. No.

4 Q. Did you understand that  
5 there were any written notes of  
6 that meeting?

7 A. I know of no written notes  
8 of the meeting.

9 Q. Did anyone tell you of any  
10 written notes of the meeting?

11 A. No.

12 Q. Did President Ahn or any  
13 of the translators tell you that  
14 there were written notes of the  
15 meeting?

16 A. No, sir.

17 MR. BOSTICK: Let me get  
18 an objection just as to  
19 clarification of what notes -- what  
20 Richard means by, notes.

21 Q. Were you told by President  
22 Ahn of any notes of any description  
23 whatsoever that were written about

Page 85

1 that meeting?

2 A. Not that I recall.

3 Q. Were you told by any of  
4 the translators of any written  
5 notes of any description about that  
6 meeting?

7 A. That were made during that  
8 meeting?

9 Q. Or about that meeting.

10 A. No. I have seen notes  
11 about -- not about our meeting but  
12 about the -- what meeting are we  
13 speaking about? I'm confused.

14 Q. Well --

15 A. Are we speaking about my  
16 meeting with President Ahn?

17 Q. No, sir. Of the -- you  
18 said that there -- that Mr. --

19 President Ahn had complaints about  
20 how Mr. Cyrus conducted himself in  
21 a meeting.

22 A. Yes, sir.

23 Q. Did he tell you that there

Page 86

1 were any notes about -- made about  
2 that meeting that he had complaints  
3 about?

4 MR. BOSTICK: Same  
5 objection as to, notes.

6 A. I'm confused. Again, you  
7 say, that meeting. Are we saying  
8 the Rob Cyrus meeting or my meeting  
9 with President --

10 Q. The meeting with Rob --  
11 that you were called to discuss,  
12 the meeting that Mr. Cyrus was in.

13 A. Okay. No, he did not  
14 refer to any notes. I mean, have I  
15 seen notes? Yes. In the meeting  
16 did he refer to any notes? No.

17 Q. Did he ever tell you there  
18 were such notes?

19 A. He didn't, no.

20 Q. Did any of the translators  
21 tell him -- tell you that there  
22 were such notes?

23 A. I think -- there was some

Page 87

1 descriptive process that took place  
2 and I've seen the notes of that,  
3 yes.

4 Q. What do you mean, there  
5 was some descriptive process?

6 A. There were individuals who  
7 made comments about what they saw  
8 in the -- or what they experienced  
9 in the meeting with Mr. Cyrus.

10 Q. Were you given copies of  
11 those to look at?

12 A. Not at that time, no.

13 Q. When was the first time  
14 you saw those notes?

15 A. I don't recall.

16 Q. Well, was it shortly  
17 thereafter?

18 A. I just don't recall.

19 Q. Was it before Mr. Cyrus  
20 was terminated?

21 A. I don't believe so.

22 Q. Were there -- whether you  
23 were able to read them or not did

Page 88

1 you see that they had written notes  
2 in the meeting that you attended  
3 with President Ahn?

4 MR. BOSTICK: Object to  
5 the form.

6 A. I just don't recall.

7 Q. Now --

8 MR. STOCKHAM: Before I go  
9 on with paragraph four let me take  
10 another short recess.

11 (Whereupon, a brief  
12 recess was taken in  
13 the deposition.)

14 Q. (By Mr. Stockham) In  
15 paragraph four of your declaration,  
16 Mr. Duckworth, it says, Mr. Cyrus  
17 came to me on the day of the  
18 Murakami meeting and expressed  
19 concern that he was worried that  
20 his job was in jeopardy.

21 Now, that was the same  
22 meeting as the one we've referenced  
23 already, isn't it, that you talked

Page 89

1 to President Ahn about, the  
2 Murakami meeting?

3 A. That Mr. Cyrus was  
4 speaking about?

5 Q. Yes, sir.

6 A. Yes.

7 Q. And he came to you that  
8 afternoon on September 16th, didn't  
9 he?

10 A. I can't tell you what day  
11 he came. He came to me -- yes, he  
12 did come to me on that day.

13 Q. Well, according to your  
14 declaration that you prepared last  
15 month it says that he came to you  
16 on the day of the meeting.

17 A. Yes.

18 Q. Do you have any notes from  
19 that meeting with Mr. Cyrus?

20 A. No.

21 Q. Now, where did -- where  
22 were you when he met with you?

23 A. He came to my office.

Page 90

1 Q. And was it just the two of  
2 you?

3 A. Yes.

4 Q. In that meeting Mr. Cyrus  
5 described to you what had occurred  
6 in the meeting with Mr. Kim, Mr.  
7 H.I. Kim?

8 A. Yes.

9 Q. He told you that Mr. Choi  
10 had told him that Mr. Kim was mad  
11 and that the two of them -- he  
12 suggested the two of them may be  
13 fired?

14 MR. BOSTICK: Object to  
15 the form.

16 A. He said -- yes, basically,  
17 but in different terms.

18 Q. What terms?

19 A. That they would be sent  
20 home, that there was strong -- he  
21 felt jeopardized.

22 Q. And that -- he told you  
23 that Mr. Choi -- you knew who Mr.

Page 91

1 Choi was, didn't you?

2 A. Yeah. It was -- yes.

3 Q. It was Mr. Cyrus' Korean  
4 counterpart, wasn't it?

5 A. That's correct.

6 Q. And Mr. Choi, according to  
7 Mr. Cyrus, had told him that both  
8 of them were going to be sent home  
9 early that day?

10 A. That's correct.

11 Q. And that Mr. Cyrus  
12 understood that to mean that they  
13 were both going to be fired, and  
14 that's what he came to you about,  
15 isn't that correct?

16 A. That's correct.

17 MR. BOSTICK: Object to  
18 the form.

19 Q. And --

20 A. I don't know if I would  
21 adopt exactly every word you've  
22 said but the principle is -- yes.

23 Q. What did I say that you

Page 92

1 wouldn't adopt?

2 A. Your description, okay, is  
3 much more concise than Mr. Cyrus'  
4 description.

5 Q. Mr. Cyrus went at length  
6 to describe what happened in the  
7 meeting, didn't he?

8 A. Yeah. He took some time  
9 with me, yes.

10 Q. And he explained how he  
11 and Mr. Choi had just presented the  
12 position that they were supposed to  
13 in the meeting --

14 MR. BOSTICK: Object to  
15 the form.

16 Q. -- didn't he?

17 A. Repeat the question.

18 Q. He just described to you  
19 what he and Mr. Choi presented in  
20 the meeting, didn't he?

21 A. He described to me what  
22 took place in the meeting.

23 Q. He told you about Mr. Kim

Page 93

1 losing his temper?

2 A. Yes.

3 Q. He told you about the  
4 individuals from Murakami striking  
5 the mirrors together and throwing  
6 them on the table?

7 MR. BOSTICK: Object to  
8 the form.

9 A. No, he didn't tell me  
10 that.

11 Q. He told you that Mr. Kim  
12 had left the room on two occasions?

13 A. He did tell me that.

14 Q. He told you that Mr. Kim  
15 had raised his voice?

16 A. Yes.

17 Q. He told you that Mr. Choi  
18 was upset and had told -- reported  
19 to him that Mr. Kim had gone to  
20 President Ahn?

21 A. Yes. No -- no, no. Did  
22 Mr. Cyrus tell me that?

23 Q. Yes. Mr. Cyrus told you



Page 94

1 that Mr. Choi had reported that to  
2 him?

3 A. Yes, that -- you're  
4 correct.

5 Q. And he also told you that  
6 Mr. Choi and he had done nothing  
7 wrong?

8 A. That's correct.

9 Q. And he told you that Mr.  
10 Choi and he had acted in concert?

11 A. He said that Mr. Choi  
12 supported him. They did not act in  
13 concert. They did not speak in a  
14 concert.

15 Q. What did he tell you about  
16 Mr. Choi supporting him?

17 A. He said that Mr. Choi  
18 supported his position but did not  
19 verbalize it in the meeting, and  
20 that Mr. Choi believed that the  
21 meeting had not gone well and that  
22 it upset him and that he was  
23 concerned that he would be -- they

Page 95

1 would be sent home and he had  
2 supposedly tears in his eye.

3 Q. Who had tears in his eye?

4 A. Mr. Choi.

5 Q. Did he tell you that Mr.  
6 Kim had raised his voice to Mr.  
7 Choi?

8 A. He told me that Mr. Kim  
9 had raised his voice -- yes, he  
10 had, and instructed Mr. Choi  
11 something in Korean.

12 Q. Did he tell you Mr. Kim  
13 had said anything to him?

14 A. I don't recall.

15 Q. How long did this meeting  
16 take place that you had with Mr.  
17 Cyrus?

18 A. Fifteen, twenty minutes.

19 Q. Now, here in this  
20 paragraph four it says, I spoke  
21 briefly with Mr. Cyrus and told him  
22 that I was not aware of any  
23 complaints at that time.

Page 96

1 And, in fact, you told him  
2 that -- specifically that -- let's  
3 get it right -- for him not to give  
4 it another thought, didn't you?

5 MR. BOSTICK: Object to  
6 the form.

7 A. I tried to reassure Mr.  
8 Cyrus that I couldn't imagine that  
9 the meeting was that dramatic or  
10 critical, that it -- the results of  
11 it couldn't be resolved, and that  
12 he was a valuable employee.

13 Q. You told him that  
14 everybody knows he was -- knows his  
15 good standing at Hyundai, didn't  
16 you?

17 A. Something similar to that,  
18 yes.

19 Q. And you told him that  
20 there were -- that you were unaware  
21 of any complaints about him at  
22 Hyundai, didn't you?

23 MR. BOSTICK: Object to

Page 97

1 the form. That's mischaracterizing  
2 what it says.

3 A. I don't think your  
4 statement is accurate. But with  
5 reference to this meeting, yes.

6 Q. Apart from that meeting  
7 you told him that there were no  
8 complaints from anyone about him,  
9 didn't you?

10 MR. BOSTICK: Object to  
11 the form. He just answered that  
12 question and said it wasn't correct  
13 or --

14 A. The nature of an  
15 organization -- production  
16 organization, there are always  
17 complaints about people, okay,  
18 either your colleagues, your staff  
19 and so forth and so on. I would say  
20 material complaints, okay, there  
21 were no complaints.

22 Q. What do you mean by,  
23 material complaints?

Page 98

1 A. There are people -- there  
2 are always subordinates who are --  
3 who may feel that you overwork  
4 them, there may be -- your -- the  
5 nature of how you give  
6 instructions. You may be short  
7 with somebody one day and somebody  
8 may say something about that. It  
9 depends upon the -- a significant  
10 complaint.

11 Q. So as of that day you'd  
12 heard no significant complaint?

13 A. Right.

14 Q. Sir?

15 A. Yes, sir.

16 Q. Now, you told him  
17 something about that it was just  
18 the Koreans' business style, didn't  
19 you?

20 A. Correct.

21 MR. BOSTICK: Object to  
22 the form.

23 Q. What did you mean by that?

Page 99

1 A. The Koreans have a way of  
2 being animated -- animated in  
3 meetings when they believe that the  
4 people do not understand,  
5 especially subordinates, the nature  
6 of the meeting or what's taking  
7 place.

8 Q. When you say, animated,  
9 what do you mean by that?

10 A. Demonstrative.

11 Q. Yelling?

12 A. Sometimes it's sternness,  
13 sometimes it's raising of the  
14 voice, sometimes it's leaving a  
15 meeting.

16 Q. That's just common  
17 practices?

18 A. It's not common practice  
19 but it occurs.

20 Q. Is it something that you  
21 characterize as Koreans' business  
22 style?

23 A. It is a style, yes, sir.

Page 100

1 Q. Is it something that  
2 you've experienced as regular in  
3 dealing with Koreans at HMA?

4 A. It occurs, yes.

5 Q. Now, is it Korean business  
6 style to criticize other employees  
7 in meetings?

8 MR. BOSTICK: Object to  
9 the form.

10 A. Koreans are very  
11 straightforward in business. And  
12 so they give you a specific. Okay?  
13 They don't always include the  
14 niceties that are included in  
15 American conversation.

16 Q. Do -- is it your  
17 experience that it is Hyundai  
18 Korean business style to scold a  
19 fellow employee in a business  
20 meeting?

21 MR. BOSTICK: Object to  
22 the form.

23 A. It happens, yes.

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1 Q. Just, that's business?

2 A. It's cultural.

3 Q. Is it your experience that  
4 Hyundai Korea business practice is  
5 to scold fellow employees in front  
6 of others?

7 A. I can't --

8 MR. BOSTICK: Object to  
9 the form.

10 A. -- adopt your word  
11 "scold". I think there's a better  
12 descriptive term. Okay?

13 Q. What term?

14 A. I think they are very  
15 direct. Okay? I think they,  
16 again, do not concern themselves  
17 with the niceties of what Americans  
18 would consider business etiquette.  
19 I think if you're wrong they tell  
20 you you're wrong directly. Those  
21 types of conduct.

22 Q. Is it your experience that  
23 -- at Hyundai that Koreans will

Page 102

1 criticize co-employees in front of  
 2 suppliers?  
 3 A. It occurs, yes.  
 4 Q. That's acceptable business  
 5 practice?  
 6 A. It's determining -- it's a  
 7 process which takes place to  
 8 resolve a problem, a business  
 9 problem. It's not a personal --  
 10 Q. How often does that occur?  
 11 A. I can't tell you. You  
 12 know, it is -- it is exception  
 13 rather than the practice. But it  
 14 is a possibility that arises on  
 15 occasions.  
 16 Q. Now, paragraph four, you  
 17 said, I learned through my meeting  
 18 with Mr. Ahn of reports of poor  
 19 judgment and inappropriate behavior  
 20 exhibited by Mr. Cyrus at the  
 21 meeting.  
 22 Prior to your meeting with  
 23 Mr. Ahn had you had any other

Page 103

1 conversations with anyone about  
 2 what had occurred in the meeting  
 3 besides your conversations with Mr.  
 4 Cyrus?  
 5 A. No.  
 6 Q. Well, Mr. Cyrus came back  
 7 to you again later that afternoon  
 8 and told you that the matter had  
 9 escalated, didn't he?  
 10 A. I don't know if it was  
 11 later that afternoon but, yes, he  
 12 did come back to me. But I don't  
 13 know if it was later that  
 14 afternoon.  
 15 Q. He told you that he was  
 16 being required to write notes about  
 17 what occurred in the meeting,  
 18 didn't he?  
 19 MR. BOSTICK: Object to  
 20 the form.  
 21 A. That he was to write an  
 22 explanation, yes.  
 23 Q. And that he was supposed

Page 104

1 to give that to his boss, Mr.  
 2 Hyoun?  
 3 A. Yes, sir.  
 4 Q. And that Mr. Kim was also  
 5 requiring that of his Korean  
 6 counterpoint, Mr. Choi?  
 7 MR. BOSTICK: Object to  
 8 the form.  
 9 A. That there was a direction  
 10 on both sides, yes.  
 11 Q. And he told you also that  
 12 it had been reported to him that  
 13 Mr. H.I. Kim had also called Korea  
 14 to speak to President Soh --  
 15 A. Soh.  
 16 Q. -- Soh --  
 17 A. Yes.  
 18 Q. -- didn't he?  
 19 A. Yes.  
 20 Q. And he told you that he  
 21 thought that the matter was  
 22 escalating?  
 23 MR. BOSTICK: Object to

Page 105

1 the form.  
 2 A. Yes.  
 3 Q. And that he was concerned  
 4 because he thought that Mr. Kim  
 5 would retaliate against him?  
 6 MR. BOSTICK: Object to  
 7 the form.  
 8 A. I don't -- he didn't use  
 9 -- I don't remember right now if he  
 10 used the word "retaliate", but he  
 11 was concerned, again, about his  
 12 position, and that Mr. Kim would  
 13 continue to escalate the problem --  
 14 escalate the -- what he considered  
 15 the problem, yes.  
 16 Q. Had you ever had a  
 17 situation that you knew of where  
 18 people had been required to write  
 19 notes about what had occurred in a  
 20 meeting?  
 21 MR. BOSTICK: Object to  
 22 the form.  
 23 Q. You can answer.

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1 A. Yes. Yes.

2 Q. Is that something that  
3 occurs often?

4 A. Almost on every incident  
5 or problem it occurs. It is  
6 considered a standard.

7 Q. Have you ever been in any  
8 other situations where -- with Mr.  
9 H.I. Kim where notes were required  
10 to be written by people in the  
11 meeting?

12 A. Yes. I don't know -- let  
13 me correct that. I don't know  
14 about H.I. Kim but within the --  
15 within HMMA, yes.

16 Q. On what other occasions  
17 can you recall?

18 A. On almost every  
19 disciplinary issue the employee is  
20 asked -- potential disciplinary  
21 issue the employee is asked to  
22 provide a -- an explanation. And  
23 the individual who was involved in

Page 107

1 the confrontation gives an  
2 explanation. And then if it's a  
3 serious situation the individual is  
4 asked to go home or to think about  
5 the situation and how it could have  
6 been resolved. It follows a  
7 practice amongst the Japanese  
8 transplants for self-examination  
9 and resolution of the problem.

10 Q. Do y'all have Japanese  
11 transplants at Hyundai?

12 A. No, but we follow some of  
13 their -- considered the best  
14 practices.

15 Q. What do you mean by,  
16 Japanese transplants?

17 A. Japanese transplants  
18 within the United States.

19 Q. I'm not following. What  
20 do you mean by that?

21 A. Japanese automobile  
22 transplants within the United  
23 States.

Page 108

1 Q. Companies?

2 A. Companies.

3 Q. Now, though Mr. Cyrus told  
4 you that -- about this you told him  
5 that there was nothing for him to  
6 worry about, didn't you?

7 MR. BOSTICK: Object to  
8 the form.

9 A. I told him that I hadn't  
10 heard anything and I couldn't  
11 imagine, based upon his  
12 description, that the meeting had  
13 been that critical -- I mean, had  
14 been as serious as he believed.

15 Q. Well, if you knew that it  
16 was part of the practice to require  
17 someone to write notes if it's a  
18 disciplinary matter why didn't you  
19 inform Mr. Cyrus that it was a  
20 disciplinary matter?

21 MR. BOSTICK: Object to  
22 the form.

23 A. You misstate what I've

Page 109

1 said. What I'm saying is that  
2 whenever there is a controversy,  
3 okay, of significance between  
4 parties it's asked that the  
5 individuals involved draft notes or  
6 draft their explanations so that  
7 someone can bring them together at  
8 a certain point. Also, it gives  
9 the individual an opportunity to  
10 contemplate their specific actions  
11 in the controversy and to say, hey,  
12 maybe -- maybe I was out of line,  
13 maybe I made a mistake. It's a  
14 self-examination process.

15 Q. Now, did you tell Mr.  
16 Cyrus after he told you that he was  
17 being told to write notes not to  
18 worry about it, there was nothing  
19 going on?

20 A. I told him from my  
21 perspective that it was not  
22 substantially significant.

23 Q. You didn't tell him that

Page 110

1 it was -- the reason he was being  
2 required to write notes was because  
3 there was a conflict resolution?

4 A. Didn't have to. He knew  
5 better than I did.

6 Q. Now, looking at the next  
7 -- paragraph five --

8 MR. LEE: Richard, do you  
9 mind if we break for lunch before  
10 you get on to five? It looks like  
11 it may take a while.

12 (Whereupon, an  
13 off-the-record  
14 discussion was held.)  
15 (Whereupon, a brief  
16 recess was taken in  
17 the deposition.)

18 Q. (By Mr. Stockham) Mr.  
19 Duckworth --

20 A. Sir, before you start -- I  
21 owed you a name I said I couldn't  
22 remember of a coordinator. His  
23 name is -- it just came to me while

Page 111

1 I was -- Jason Rhu, which is  
2 spelled R-h-u, Rhu. But it's --

3 Q. Now, which coordinator are  
4 you talking about?

5 A. You asked me for a  
6 coordinator's name during your  
7 questioning and I said to you, I'm  
8 sorry, sir, I can't remember.

9 Q. He is in what position?

10 A. He was a coordinator to me  
11 at HMA.

12 Q. In what time period?

13 A. In the last three -- three  
14 or four months before I came to  
15 HMMA. And I think -- in reference  
16 to this I think you asked me who  
17 was another individual who advised  
18 me I was coming to -- to this  
19 assignment.

20 Q. Okay. Now, before we  
21 move on to paragraph five let me  
22 ask you -- you told -- we were  
23 discussing the second time Mr.

Page 112

1 Cyrus came and spoke to you about  
2 the Murakami meeting. How long was  
3 that meeting when Mr. Cyrus came  
4 and spoke to you and told you that  
5 he thought that events were  
6 escalating?

7 A. Five minutes.

8 Q. And after Mr. Cyrus came  
9 and spoke to you did you ever go  
10 talk to Mr. H.I. Kim about what had  
11 occurred?

12 A. No.

13 Q. Okay. Looking at  
14 paragraph five. It says, it was my  
15 understanding that during the  
16 meeting Mr. Cyrus argued with  
17 officials from the quality  
18 assurance department in front of  
19 the outside supplier as to the  
20 correctness of their action in  
21 assessing a down-time penalty  
22 against the supplier.

23 Which meeting are you

Page 113

1 referring to there?

2 A. The Murakami meeting.

3 Q. And how did you come by  
4 that understanding?

5 A. I was told.

6 Q. Who told you?

7 A. President Ahn.

8 Q. Did he tell you directly  
9 or through an interpreter?

10 A. Through the interpreter.

11 Q. Was that Mr. Kim or Mr. --

12 A. Jin.

13 Q. -- Jin?

14 A. Mr. Jin.

15 Q. Now, in -- further down,  
16 about four lines down from that it  
17 says, I was told that Mr. Cyrus, a  
18 member of the executive management,  
19 took a position in support of the  
20 vendor and against other HMMA team  
21 members from quality assurance in  
22 the meeting.

23 Is that the same thing as



Page 114

1 what you just described up above or  
2 is that something different?

3 MR. BOSTICK: Object to  
4 the form.

5 A. I'm not sure where you're  
6 reading now. I'm on paragraph  
7 five.

8 Q. Paragraph five. There  
9 is --

10 A. I was told this was a --

11 Q. That there -- the first  
12 sentence that you have there, is  
13 that --

14 MR. BOSTICK: He's  
15 comparing to this (indicating).

16 Q. -- really the same thing  
17 as the third sentence?

18 MR. BOSTICK: Are you  
19 asking if it refers to the same  
20 issue?

21 MR. STOCKHAM: He  
22 apparently wrote it. I want to  
23 know what it refers to.

Page 115

1 A. It basically conveys the  
2 same idea, yes. But -- okay.  
3 There is a different thought but  
4 it's a description of the same  
5 circumstances. Okay? One is  
6 saying that he argued with the  
7 officials from the quality  
8 assurance department in front of  
9 the outside supplier. And the  
10 other is that he took a position in  
11 support of the vendor.

12 One is the argument with  
13 your colleagues and with your  
14 superiors and the other is directly  
15 in support of the vendor's position  
16 where you're an advocate for the  
17 vendor.

18 Q. So is that different from  
19 arguing about the correctness of  
20 the assessing down time?

21 MR. BOSTICK: Object to  
22 the form.

23 A. That is the subject of

Page 116

1 this. Okay? One is you can argue  
2 with your colleagues over an issue.  
3 It's another to support a vendor to  
4 the adversity of your own  
5 corporation.

6 Q. Did -- were you told what  
7 it was that Mr. Cyrus said that  
8 constituted taking support of the  
9 vendor against quality assurance  
10 team members?

11 A. Yes.

12 Q. What were you told?

13 A. That he believes that  
14 Murakami was no way responsible for  
15 any of the defects coming into the  
16 plant with reference to a certain  
17 product, the mirrors.

18 Q. That was something that  
19 President Ahn, through the  
20 interpreter, told you?

21 A. That's what the  
22 interpreter -- yes, uh-huh. That's  
23 correct.

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1 Q. And the -- anything else  
2 that you were told that he said  
3 that was taking the position  
4 against the HMMA team members?

5 A. He took exception to their  
6 conclusion that Murakami had a  
7 responsibility for the defect. And  
8 his position was that the defect  
9 was the responsibility of a  
10 supplier, a corporation, Glovis,  
11 that moves parts into the -- into  
12 the plant, and that this issue was  
13 an important part of the meeting to  
14 get Murakami to directly evaluate  
15 their systems to ensure that the  
16 quality of parts coming in were of  
17 the highest possible level. And  
18 the meeting really hadn't been  
19 established to determine what  
20 Glovis' responsibility was in this  
21 process because Glovis  
22 representatives were not there.  
23 And so it caused this issue.

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1 Q. What's what you were told  
2 by the president?

3 A. That's what I was told by  
4 the president. And in this case it  
5 was through B.K. Kim.

6 Q. Do you have notes of this  
7 meeting?

8 A. No.

9 Q. Now, how did Mr. Kim know?  
10 Was he in the meeting?

11 A. No. He translated what  
12 the -- translated what the  
13 president said. I just told you  
14 that Mr. Kim told me because I  
15 wanted to make a distinction that  
16 this particular subject was not  
17 translated by Eddie Jin.

18 Q. Next it says,  
19 additionally, it is my  
20 understanding that Mr. Cyrus made  
21 several inappropriate comments at  
22 the meeting, including telling one  
23 of his co-workers, Chris Susock,

Page 119

1 that's bullshit, in response to Mr.  
2 Susock's statement on a particular  
3 point.

4 Who told you that?

5 A. That was told to me by  
6 President Ahn but it was translated  
7 between the two individuals.

8 Q. Which two?

9 A. Eddie Jin and B.K. Kim.

10 Q. Which one translated that  
11 for you?

12 A. They both did. They had  
13 difficulty translating it.

14 Q. What do you mean, they had  
15 difficulty translating?

16 A. One of the terms there --  
17 that was directed towards Mr.  
18 Susock, to quote, the bullshit,  
19 they had difficulty translating  
20 that.

21 Q. So in my understanding  
22 that -- this is what you were told  
23 by both of the translators?

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1 A. That's what they told --  
2 it came out to.

3 Q. Did you ever follow up  
4 with Mr. Susock to see whether or  
5 not that was said to him?

6 A. No.

7 Q. Did -- when that statement  
8 was made to you was it your  
9 understanding that it was  
10 translated from Korean into  
11 English?

12 A. It was -- yes, it was  
13 translated.

14 Q. So the word "bullshit" was  
15 spoken in Korean and then it was  
16 translated into English?

17 A. In the meeting it was  
18 stated in English and then they  
19 translated it -- the report was  
20 made to the president and the  
21 president told the two coordinators  
22 and the coordinators then came  
23 together and determined -- I mean,

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1 this is how they translated the  
2 comment.

3 Q. Well, who translated it  
4 for the president?

5 A. I can't tell you.

6 Q. Well, how do you know that  
7 was translated for the president?

8 A. Because he doesn't use  
9 that term.

10 Q. Well --

11 A. This is not a Korean  
12 expression.

13 Q. How was it conveyed to you  
14 that that was the term that was  
15 used?

16 A. How was it conveyed to  
17 me --

18 Q. Yeah. I mean, if it  
19 wasn't in writing and --

20 A. The president told them  
21 and then they translated it to me.

22 Q. Well, did he use the word  
23 "bullshit"?

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1 A. He -- no, he spoke in  
2 Korean.

3 Q. He used a Korean  
4 equivalent of bullshit?

5 A. He must have because  
6 that's how they translated it to  
7 me. I'm not an expert in this term  
8 in Korean.

9 Q. The next point, it says --  
10 and let me ask you this before I go  
11 on.

12 Was the president speaking  
13 from notes?

14 A. No.

15 Q. Now, it says, he also made  
16 another remark -- he made a remark  
17 to another executive, John Kalson,  
18 director of production, comparing  
19 the manufacturing process of  
20 Hyundai to Toyota, which was an  
21 apparent challenge to the  
22 competency of Mr. Kalson's  
23 knowledge of production systems,

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1 even though Mr. Kalson was the  
2 director of production.

3 How was that conveyed to  
4 you?

5 A. The same manner.

6 Q. Well, who told you --  
7 translated it?

8 A. Who translated that? That  
9 was translated by Mr. Jin.

10 Q. And did you ever confer  
11 with Mr. Kalson to find out --

12 A. No, sir.

13 Q. -- whether that was said?

14 A. No, sir.

15 Q. Now, did you have any  
16 conversation about the fact that  
17 these individuals had a problem  
18 with that in that meeting? Were  
19 you told that that was something  
20 wrong with him saying that, these  
21 individuals had a problem, Mr.  
22 Kalson and Mr. Susock?

23 A. I'm sorry. Would you

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1 repeat the question?

2 Q. I'll restate it.

3 The statement that you've  
4 cited here about saying, that's  
5 bullshit, in response to Mr.  
6 Susock's statement, and making a  
7 remark to John Kalson comparing the  
8 manufacturing process of Hyundai to  
9 Toyota, challenging his competency,  
10 is that what you understood to be  
11 the particulars of the argument  
12 between Mr. Cyrus and the quality  
13 assurance department?

14 MR. BOSTICK: Object to  
15 the form.

16 A. No, sir.

17 Q. Is Mr. Susock in the  
18 quality assurance department?

19 A. Yes.

20 Q. Is Mr. Kalson Mr. Susock's  
21 boss?

22 A. Yes.

23 Q. Now, do you -- were you

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1 told that Mr. --

2 A. Let me clarify that,  
3 please. Mr. Kalson is the head of  
4 production. Mr. Susock is in  
5 charge of quality assurance. By  
6 his position Mr. Kalson is senior.  
7 But Mr. Susock at that time  
8 operated separately from -- I  
9 believe, as I remember, from Mr.  
10 Kalson. As I remember, Mr. Susock  
11 reported to H.I. Kim.

12 Q. Did Mr. Kalson report to  
13 H.I. Kim?

14 A. Yes.

15 Q. Now, were you told that  
16 Mr. H.I. Kim had scolded Mr. Choi  
17 in that meeting?

18 A. Yes.

19 Q. Were you told anything  
20 else about what occurred in that  
21 meeting?

22 A. I was told that -- that

23 Mr. Cyrus had taken over a meeting



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1 which belonged to quality control  
 2 and had dominated the meeting, and  
 3 that after being -- after it had  
 4 been explained to him that the  
 5 meeting was mis-focused -- that he  
 6 was mis-focusing the meeting, that  
 7 he continued with this issue with  
 8 the vendor about the responsibility  
 9 being to Glovis on the damage, and  
 10 that Mr. Kim became upset and left  
 11 the meeting on several occasions,  
 12 coming back to the meeting because  
 13 it had been disrupted, it had been  
 14 thrown off of the cadence of the  
 15 meeting.

16 Q. The next says, I was told  
 17 that Mr. Cyrus directly questioned  
 18 the judgment of and embarrassed  
 19 H.I. Kim. What did -- what were  
 20 you told that Mr. Cyrus had done to  
 21 embarrass or -- what had he said  
 22 that questioned the judgment of  
 23 H.I. Kim?

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1 A. Mr. Kim was trying to  
 2 resolve a defective part. Okay?  
 3 He had the supplier there and he  
 4 was dealing with the supplier and  
 5 their responsibilities. And Mr.  
 6 Cyrus refocused the discussion  
 7 towards the distributor to the  
 8 plant, Glovis, which did not have  
 9 representation there.

10 Mr. Kim was not concerned  
 11 about whether Glovis had any  
 12 involvement because he was going to  
 13 take care of them separately in a  
 14 meeting. But he could not get Mr.  
 15 Cyrus to understand that he was now  
 16 trying to deal with the supplier  
 17 and to get them to improve their  
 18 quality and their procedures and  
 19 their practices. And Mr. Cyrus  
 20 defended -- continued to defend the  
 21 supplier.

22 Q. Well, what were you told  
 23 that Mr. Cyrus did that directly

Page 128

1 questioned the judgment of Mr. Kim,  
 2 though?

3 A. Exactly that. Exactly  
 4 what I've said.

5 Q. I'm not following how that  
 6 directly questions the judgment of  
 7 Mr. Kim.

8 MR. BOSTICK: Object to  
 9 the form. It's not a question.

10 Q. Can you explain how that  
 11 directly questioned the judgment --

12 A. Yes.

13 Q. -- of Mr. Kim?

14 A. Mr. Kim has responsibility  
 15 for the quality of every car coming  
 16 out of the plant. He was trying to  
 17 resolve that problem with a  
 18 specific vendor and Mr. Cyrus was  
 19 an impediment to that process. He  
 20 had the supplier in front of him.  
 21 He was trying to explain the  
 22 position. And Mr. Cyrus would not  
 23 let him complete his descriptions

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1 to the supplier and get into the  
 2 real substance of the issues.

3 Q. Now, who told you this?

4 A. It was told to me in the  
 5 -- by the -- by the same people, by  
 6 the same individuals I've spoken  
 7 about earlier.

8 Q. Which one?

9 A. Mr. B.K. Kim.

10 Q. Was Mr. Kim there acting  
 11 solely as a translator?

12 A. No.

13 Q. Is he -- was he also there  
 14 representing HR?

15 A. He's an advisor to the  
 16 president also. He's a second  
 17 voice on HR issues.

18 Q. Is he also employed by  
 19 Hyundai Motor Company?

20 A. Yes, he is.

21 Q. What's his position with  
 22 Hyundai Motor Company?

23 A. I'm not sure. He is an

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1 executive with HMC.

2 Q. Now, did you follow up  
3 with any of the individuals, Mr.  
4 Kim, Mr. Kalson or Mr. Susock, to  
5 find out what occurred in the  
6 meeting?

7 A. No, I did not.

8 Q. Is it your understanding  
9 that the reason that this meeting  
10 took place was because Mr. Kim --  
11 H.I. Kim had made a complaint to  
12 the president?

13 A. My understanding was the  
14 president had called the meeting in  
15 which to express difficulty with  
16 the situation.

17 Q. Was that because of the  
18 complaint that Mr. Kim had made to  
19 him?

20 A. I don't know who had made  
21 all of the complaints. Mr. Kim was  
22 one of them.

23 Q. Well, did you discuss

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1 anything other than the incident  
2 with the Murakami meeting in that  
3 meeting?

4 MR. BOSTICK: Object to  
5 the form.

6 A. Yes. We did discuss.

7 Q. What else did you discuss  
8 in that meeting with President Ahn?

9 A. What we had believed -- at  
10 least what I had believed was a  
11 deterioration in the demeanor of  
12 Mr. Cyrus's behavior and his  
13 interrelations with staff -- with  
14 staff members.

15 Q. What was said about that  
16 in the meeting with President Ahn?

17 A. All of these individuals  
18 that were in this meeting had been  
19 -- had participated in a weekly  
20 executive meeting of the executives  
21 and we all had been present when  
22 Mr. Cyrus made an outburst --  
23 uncontrollable outburst directed

Page 132

1 towards another Korean executive  
2 during the meeting.

3 Q. Was that Mr. Song?

4 A. Yes, sir.

5 Q. We'll get to that in a  
6 minute. But other than the  
7 incident with Mr. Song, anything  
8 else discussed in this meeting with  
9 President Ahn?

10 A. I think, as I've  
11 previously stated, President Ahn --  
12 we discussed the fact that  
13 President Ahn had identified this  
14 as a problem and didn't know how to  
15 handle it in the American culture.

16 Q. Anything other than the  
17 Murakami incident and the incident  
18 with Mr. Song discussed in this  
19 meeting?

20 A. At this time, I don't  
21 recall anything.

22 Q. And other than the --  
23 being called to the office of

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1 President Ahn you don't have any  
2 recollection about whether or not  
3 Mr. Kim had made a complaint about  
4 Mr. Cyrus?

5 A. No, no. I think as I have  
6 stated I knew there was a complaint  
7 made to the president by Mr. Kim.  
8 I was aware of that because the  
9 president hadn't been in the  
10 meeting. I mean, he was specific  
11 with reference to that.

12 Q. Who was specific with  
13 reference to that?

14 A. The president.

15 Q. That he had not been in  
16 the meeting?

17 A. No, that Mr. Kim had  
18 advised him of the situation.

19 Q. Now, you say that Mr. --  
20 we'll move on to the next one,  
21 paragraph six, if you will.

22 It says, in addition, I  
23 became aware of other problems with

Page 134

1 Mr. Cyrus' behavior in recent  
2 months. I received reports of  
3 deterioration in his relationship  
4 with members of his staff in the  
5 purchasing department. In  
6 particular there were reports from  
7 employees within the department of  
8 Mr. Cyrus engaging in adversarial  
9 or antagonistic behavior in the  
10 department.

11 Who did you receive those  
12 reports from?

13 A. From co-workers and  
14 subordinates of Mr. Cyrus.

15 Q. Who?

16 A. Do you want individuals?

17 Q. Yes, sir.

18 A. Dave Mark, M-a-r-k; some  
19 of the female subordinates that  
20 worked for -- I can't tell you  
21 their names. Not -- I just can't  
22 remember their names. They worked  
23 directly for Mr. Cyrus.

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1 Q. More than one?

2 A. There were two.

3 Q. Who else?

4 A. Rick Neal, vice president  
5 of legal, expressed concerns.

6 Q. Who else?

7 A. The individuals; Susock  
8 had, the individuals in the  
9 executive meeting who were present  
10 when Mr. Cyrus had a confrontation  
11 with Mr. Song.

12 Q. Well, I'll get to those in  
13 a minute but --

14 A. Jason Li.

15 Q. -- you specifically --

16 A. Jason Li, sir.

17 Q. Is Mr. Li in Mr. Cyrus'  
18 department?

19 A. He was his -- he was  
20 senior. He's head of the finance  
21 department indirectly. He has  
22 responsibility indirectly.

23 Q. I'm particularly directing

Page 136

1 my questions at this time, sir, to  
2 your statement here that --

3 A. Mr. Hyoun.

4 Q. -- there were people in --  
5 members of his staff in the  
6 purchasing department. And who --  
7 other than -- you say Dave Mark and  
8 two female people who were  
9 subordinate to him. Anyone else  
10 spoke to you about him other  
11 than --

12 A. Subordinates?

13 Q. Yes, sir.

14 A. Okay.

15 Q. That complained to you?

16 A. No, that would be it,  
17 basically.

18 Q. What did Mr. Mark complain  
19 to you about?

20 A. That Mr. Cyrus was --  
21 these are not his words. These are  
22 my summation of what he told me.  
23 That he was -- he seemed angry,

Page 137

1 removed, disenchanted and easily  
2 aggravated.

3 Q. When did Mr. Mark complain  
4 to you about these things?

5 A. When? I can't give you a  
6 date.

7 Q. Give me the time frame.

8 A. After Mr. Cyrus had --  
9 after these situations. Mr. Cyrus  
10 had gone on medical leave.

11 Q. After what situations?

12 A. The Murakami and the Mr.  
13 Song meeting.

14 Q. Mr. Mark spoke to you  
15 after the Murakami meeting and  
16 the --

17 A. All of these individuals  
18 did.

19 Q. After the Murakami  
20 meeting?

21 A. Yes.

22 Q. When after the Murakami  
23 meeting?

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1 A. I can't tell you. After  
2 the Murakami meeting, after Mr.  
3 Cyrus went on medical leave.

4 Q. And that's true with all  
5 of these individuals, the two  
6 female support people as well?

7 A. Yes, that's correct.

8 Q. They spoke to you after  
9 Mr. Cyrus had gone on medical  
10 leave?

11 A. Yes.

12 Q. After the Murakami  
13 meeting?

14 A. Not immediately after, but  
15 after the Murakami meeting, yes.

16 Q. And who -- and what was  
17 the complaint of the two female  
18 subordinates?

19 MR. BOSTICK: Object to  
20 the form.

21 A. That, again -- that he  
22 seemed to be -- he was very  
23 uptight, argumentative --

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1 Do you mind if I stand?

2 Q. Go ahead.

3 A. That he was -- he had --  
4 he was different, that's all. That  
5 he was not listening.

6 Q. Now, they made this  
7 complaint to you?

8 A. They spoke to me, yes.

9 Q. Did they make this in  
10 writing?

11 A. No, sir.

12 Q. Did Mr. Mark make --

13 A. No, sir.

14 Q. -- his complaint in  
15 writing?

16 You can't remember these  
17 two female subordinates' names?

18 A. I'm sorry. What was the  
19 question?

20 Q. You can't remember the two  
21 female subordinates' names?

22 A. Would you give me some  
23 time and I'll give it to you. I

Page 140

1 have to think.

2 Q. You said that Mr. Susock  
3 complained to you about Mr. Cyrus.  
4 When did Mr. Susock complain to  
5 you?

6 A. At some time during the --  
7 one of the national managers'  
8 meetings.

9 Q. When was that?

10 A. I can't give you -- I  
11 can't specifically recall but we  
12 had meetings once a month on  
13 Fridays. So it would have been  
14 probably a meeting after.

15 Q. Meeting after?

16 A. After Mr. Cyrus went on  
17 leave -- medical leave.

18 Q. What did Mr. Susock tell  
19 you?

20 A. He said he was just  
21 unhappy with his approach, unhappy  
22 with the relationship of the  
23 purchasing department and the

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1 quality assurance department. He  
2 thought that the relationship had  
3 been injured by Mr. Cyrus.

4 Q. Anything else?

5 A. I'm not sure I understand  
6 that question.

7 Q. Anything else you  
8 discussed with Mr. Susock?

9 A. I don't recall at this  
10 time.

11 Q. Did you ask him at that  
12 meeting whether Mr. Cyrus had used  
13 the word "bullshit"?

14 A. No, sir.

15 Q. Why not?

16 A. Because there were a  
17 number of colleagues -- senior  
18 managers in the meeting that were  
19 colleagues, that I didn't want to  
20 embarrass Mr. Susock. And I had  
21 accepted -- I accepted what the  
22 president had told me.

23 Q. Now, you didn't think it

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1 was important to confirm with him  
 2 whether or not Mr. Cyrus had in  
 3 fact said that?  
 4 A. Well, I didn't think it  
 5 was necessary in that forum.  
 6 Q. You didn't pull him aside  
 7 right afterwards and ask him?  
 8 A. No, sir.  
 9 Q. What did Mr. Neal say?  
 10 MR. BOSTICK: Object to  
 11 that question. It's calling for  
 12 attorney/client communications.  
 13 Instruct the witness not to answer.  
 14 MR. STOCKHAM: Well, I'm  
 15 going to reask it.  
 16 Q. You identified Mr. Rick  
 17 Neal as one of the persons who  
 18 complained to you about Mr. Cyrus'  
 19 behavior, did you not?  
 20 A. I did. And the word  
 21 "complained" is inappropriate,  
 22 really. It's -- "observations"  
 23 would be closer.

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1 Q. Well, did -- was this  
 2 something you solicited from him or  
 3 was this just something that he --  
 4 an observation that he made to you?  
 5 A. No, it was something --  
 6 conversations that we were having  
 7 about --  
 8 MR. BOSTICK: Don't  
 9 testify to the substance. You can  
 10 talk about what you were -- give  
 11 him the background scope but not  
 12 the specific substance of what was  
 13 said.  
 14 Q. If it's legal advice I'm  
 15 not asking for it. If it's just --  
 16 asking about Mr. Cyrus' --  
 17 complaints he had about Mr. Cyrus'  
 18 behavior I want to know what they  
 19 are.  
 20 A. I was advising Mr. Neal as  
 21 to the course of action I was going  
 22 to take with trying to determine  
 23 the merits of Mr. Cyrus'

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1 employment.  
 2 MR. BOSTICK: That's  
 3 clearly seeking legal advice to me,  
 4 so --  
 5 Q. I don't want to know what  
 6 Mr. Neal gave you in terms of legal  
 7 advice. But did he, apart from  
 8 giving you legal advice, tell you  
 9 any complaints he had about Mr.  
 10 Cyrus' behavior?  
 11 MR. BOSTICK: Again, I  
 12 mean, you're talking about a  
 13 conversation where he's approaching  
 14 the general counsel talking about  
 15 taking actions, seeking advice. I  
 16 think that's a privileged  
 17 communication and I'm going to  
 18 instruct him not to answer about  
 19 what was discussed in that  
 20 conversation.  
 21 MR. STOCKHAM: If you are  
 22 going to identify him as someone  
 23 whose information was taken into

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1 consideration in what he claims is  
 2 the basis for his terminating Mr.  
 3 Cyrus I think I'm entitled to get  
 4 it. So --  
 5 MR. BOSTICK: I don't  
 6 think he's made --  
 7 MR. LEE: But that wasn't  
 8 the question.  
 9 MR. BOSTICK: -- that  
 10 testimony yet.  
 11 MR. LEE: That wasn't the  
 12 question you asked.  
 13 MR. BOSTICK: It was just  
 14 who made it --  
 15 Can we take a break?  
 16 (Whereupon, a brief  
 17 recess was taken in  
 18 the deposition.)  
 19 (Whereupon, an  
 20 off-the-record  
 21 discussion was held.)  
 22 MR. STOCKHAM: Back on the  
 23 record.



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1 Q. (By Mr. Stockham) Mr.  
2 Duckworth, I understand after  
3 consultation with counsel that your  
4 -- any comments that you may have  
5 received from Rick Neal did not in  
6 any way influence your decision in  
7 this matter; is that correct?

8 A. That's correct, sir.

9 Q. With respect to comments  
10 that you said Mr. Hyoun had made  
11 concerning Mr. Cyrus' behavior  
12 problem, what did he tell you?

13 A. Mr. Hyoun expressed  
14 concerns over the judgment of Mr.  
15 Cyrus and he had problems with what  
16 he considered erratic mood swings  
17 and also attendance -- that  
18 affected attendance.

19 Q. And when did Mr. Hyoun  
20 tell you about concerns about Mr.  
21 Cyrus' judgment and erratic mood  
22 swings?

23 A. I would say sometime after

Page 147

1 Mr. Cyrus went out on medical  
2 leave.

3 Q. That would be --

4 A. He also showed compassion  
5 and that he hoped he resolved his  
6 -- this situation, whatever was  
7 affecting him, or why he was acting  
8 this way.

9 Q. So that was after the  
10 Murakami meeting?

11 A. Yes, sir.

12 Q. Was that after your  
13 meeting with President Ahn?

14 A. Yes, sir.

15 Q. Your -- what comments did  
16 Jason Li make concerning Mr. Cyrus'  
17 behavior problem?

18 A. Thought that comments that  
19 -- that Mr. Cyrus' actions bordered  
20 and were insubordinate and were  
21 unacceptable, unreasonable,  
22 unprofessional. He was pretty  
23 straightforward in his comments.

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1 Q. Which actions?

2 A. Actions -- with reference  
3 to the meeting but -- the Murakami  
4 meeting but specifically the way  
5 that he had been acting over a  
6 period of time.

7 Q. Was that on -- when did  
8 Mr. Li make that statement?

9 A. After the Murakami meeting  
10 and also about maybe two to -- two  
11 weeks -- two or three weeks after  
12 he had left.

13 Q. After Mr. Cyrus had left?

14 A. For medical leave.

15 Q. So it was after your  
16 meeting with President Ahn?

17 A. Yes.

18 Q. Now, it says in paragraph  
19 six, I was present during an  
20 incident at an executive directors'  
21 meeting in which Mr. Cyrus verbally  
22 berated and attempted to embarrass  
23 a fellow executive named Kenny

Page 149

1 Song.

2 What did Mr. Cyrus do in  
3 verbally berating Mr. Song?

4 A. Jumped up. He screamed at  
5 him. He yelled at him. He called  
6 him -- he said -- he shook his hand  
7 at him and said, you're lying,  
8 that's not true, I've had enough of  
9 this, you know, garbage. And said,  
10 you're trying to cover up your own  
11 deficiencies or the deficiencies of  
12 your department. It wasn't so much  
13 what he said but the manner in  
14 which he said it. Although, what  
15 he said was also highly offensive.

16 Q. What was he referring to?

17 A. He was referring to  
18 problems with the internal system,  
19 what we call SAP, which is an  
20 accounting and management system --  
21 IT management system records.

22 Q. Who was present at this  
23 meeting?

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1 A. The entire executive  
2 committee.

3 Q. Who was that?

4 A. President Ahn -- let me --  
5 I'll go around the table.

6 President Ahn, myself,  
7 B.K. Kim, Jason Li, Harry Hyoun,  
8 Rick Neal. On the other side, John  
9 Kalson, H.I. Kim. Going down --  
10 now the Korean coordinators. The  
11 entire executive staff. There is a  
12 -- they have a list of the  
13 individuals.

14 Q. How many --

15 A. It's everybody -- it's  
16 everybody at a director level and  
17 above.

18 Q. How many individuals is  
19 that?

20 A. Maybe twenty-five. Maybe  
21 twenty-three, twenty-five.

22 Q. So there were twenty-three  
23 people in attendance at this

Page 151

1 meeting?

2 A. Approximately.

3 Q. When was this meeting?

4 A. It was before the Murakami  
5 situation, maybe two to three weeks  
6 before. Would have been on a  
7 Tuesday.

8 Q. So it would have been in  
9 August?

10 A. Sometime in August.

11 Q. Did you speak to Mr. Cyrus  
12 about that?

13 A. At the time I did, yes.

14 Q. What did you say to him?

15 A. I told him I thought it  
16 was appropriate that he sit down  
17 and we could discuss the issues  
18 later -- he should discuss the  
19 issues later.

20 Q. Did you tell him that his  
21 conduct was out of line?

22 A. I told him it was uncalled  
23 for after the meeting.

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1 Q. You told him that after  
2 the meeting?

3 A. Uh-huh. It served no  
4 purpose. It was dysfunctional.

5 Q. Did you have a follow-up  
6 meeting with Mr. Cyrus about this?

7 A. No, I did not.

8 Q. Did you ever have any  
9 further discussions with Mr. Cyrus  
10 about the problems he had raised  
11 with Mr. Song?

12 A. No. The president  
13 directed that that should be  
14 handled between Mr. Song -- excuse  
15 me, Mr. Song's superior and Mr.  
16 Cyrus' superior.

17 Q. And who were they?

18 A. Harry Hyoun. And Mr.  
19 Song's, I don't remember who was  
20 his superior at the time.

21 Q. Mr. Song, according to  
22 this, was in production control.

23 Would that not be Mr. Kim, H.I.

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1 Kim?

2 A. Indirectly, yeah. I mean  
3 -- that's part of it, yes.

4 Q. Was that the person  
5 that --

6 A. I can't tell you if he  
7 reported to him directly.

8 Q. Well, if you thought that  
9 this conduct was uncalled for why  
10 did you tell Mr. Cyrus when he came  
11 to you on the afternoon of the 16th  
12 that everyone said he was in good  
13 standing?

14 A. Good standing from  
15 performance.

16 Q. Why did you tell him that  
17 no one had any significant problems  
18 with him?

19 A. What he was asking me was  
20 not with reference to that  
21 question. What he was asking me  
22 was in reference to the Murakami  
23 meeting, which I did not have



1 knowledge about at the time. He  
2 came to me immediately after the  
3 meeting and I said to him, as far  
4 as I knew he was in good standing,  
5 because no one had come to me about  
6 the concerns of the meeting at that  
7 time.

8 Q. What was discussed about  
9 the interaction with Mr. Cyrus and  
10 Mr. Song when -- in the meeting  
11 with President Ahn?

12 A. The nature of the  
13 confrontation was that the  
14 president specifically asked Mr.  
15 Song a question about the  
16 production area and the SAP system.  
17 Mr. Song started to give him an  
18 explanation, speaking English to  
19 the president. He had a great deal  
20 of difficulty expressing and he was  
21 doing that for the benefit of the  
22 rest of the people at the meeting.  
23 He was trying to explain in English

1 his problems. And suddenly this  
2 was -- Rob Cyrus jumped up and  
3 said, that's not true, you're  
4 lying, I'm tired of always hearing  
5 you blame suppliers and vendors, is  
6 what he said.

7 And the president tried to  
8 calm him down. He said, well,  
9 let's hear something -- in his  
10 style. And I said, Rob, why don't  
11 you have a seat. We can discuss --  
12 this is inappropriate and we can  
13 discuss this later. Let Mr. Song  
14 finish. And the president said at  
15 that time, because he didn't want  
16 further confrontation, he said,  
17 this is a matter which can be --  
18 should be looked at by Mr. Song's  
19 boss and Mr. Hyoun. And he quieted  
20 the situation down.

21 It was an embarrassing  
22 situation. It was embarrassing.  
23 It was inappropriate.

1 Q. My question was: What was  
2 discussed about that in the meeting  
3 that you had with President Ahn in  
4 October?

5 A. Very limited. Except that  
6 I said that -- I described my  
7 observations to President Ahn. I  
8 was also concerned about Mr. Cyrus'  
9 conduct and demeanor in meetings.

10 Q. What other meetings did  
11 you describe or discuss that you  
12 had --

13 A. In comparison to the  
14 Murakami meeting.

15 Q. What other meetings did  
16 you discuss Mr. Cyrus' conduct  
17 about with President Ahn?

18 A. I did not.

19 Q. Well, what did you say  
20 about the incident involving Kenny  
21 Song to President Ahn?

22 A. I said I thought it was  
23 inappropriate. I thought that it

1 served no purpose. I didn't  
2 understand because Rob is smarter  
3 than that. He knows that that's  
4 not going to resolve anything at  
5 that table. And I couldn't  
6 understand why he did it. I  
7 couldn't understand it. He could  
8 have let the report just pass and  
9 then if he had taken exception to  
10 it, come back in an appropriate way  
11 and talk to him. But he -- he just  
12 -- he just jumped up. I mean, he  
13 just went from zero to a hundred  
14 miles an hour and it was -- it was  
15 uncontrollable. It was something  
16 that I haven't seen in business,  
17 even amongst the Korean staff.

18 Q. What else was discussed  
19 about that by President Ahn?

20 A. That he concurred. He  
21 just agreed that it was bizarre.  
22 But he didn't use the word  
23 "bizarre". He said, I didn't know

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1 how to handle it. I didn't know  
2 what to say.

3 Q. Looking at paragraph four  
4 -- paragraph seven, it says, in my  
5 meeting with President Ahn it was  
6 determined that Mr. Cyrus' behavior  
7 could not continue and some action  
8 should be taken. Who made that  
9 determination?

10 A. President Ahn.

11 Q. What did he say?

12 A. He said that we're -- he  
13 said basically, you know, my job is  
14 to produce cars and that was what  
15 he is evaluated on. And he said  
16 that this did not do anything to  
17 improve communications in the  
18 company, nor did it do anything to  
19 build support between Americans and  
20 Koreans. And so he was concerned  
21 that this was going to continue.  
22 He found it to be insubordinate to  
23 executive management.

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1 Q. So was that something that  
2 President Ahn told you in English?

3 A. Part of it in English,  
4 part of it was translated.

5 Q. What did he say in  
6 English?

7 A. That he was upset, that it  
8 didn't build good rapport. He  
9 didn't use "rapport". Good team  
10 work. Good team between Americans  
11 and Koreans. That it had been  
12 disrespectful. And that it was  
13 wrong because it was not his  
14 meeting and he should have listened  
15 to his superiors.

16 Q. Who said that it was  
17 insubordinate to executive  
18 management?

19 A. That's my conclusion based  
20 upon what he said.

21 Q. It says, it was determined  
22 that Mr. Cyrus' behavior could not  
23 be taken and some action should be

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1 taken. Was that something that you  
2 determined or something that  
3 President Ahn determined or it was  
4 something you both arrived at  
5 together?

6 A. Together. His behavior  
7 could not continue.

8 Q. The next paragraph, I  
9 recommended to President Ahn that I  
10 meet with Mr. Cyrus regarding  
11 management's concerns about his  
12 behavior, at which time I would  
13 attempt to determine whether the  
14 working relationship could be  
15 improved. How did you come to make  
16 that recommendation?

17 A. Because I was confident  
18 that if I didn't make that  
19 recommendation -- first of all, he  
20 said, what should I do about it --  
21 what should he do about it. What  
22 should I do? What should I do?  
23 And I knew that he needed

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1 assistance. And I knew that Mr.  
2 Cyrus' behavior from a corporate  
3 perspective was insubordinate and  
4 he was subject to termination. And  
5 I had an investment in Mr. Cyrus  
6 and I didn't want to see him  
7 terminated. And I thought,  
8 honestly, that I could turn him  
9 around in a conversation, I could  
10 explain to him that -- and make him  
11 productive in the company again. I  
12 firmly believed I could do that.  
13 And so I asked Mr. Ahn to let me  
14 handle the matter and he said,  
15 okay.

16 Q. Did Mr. Ahn tell you that  
17 he wanted to terminate Mr. Cyrus?

18 A. He never said that. What  
19 he said to me is, you have the  
20 authority to make whatever decision  
21 is necessary.

22 Q. So he --

23 A. You handle it.

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1 Q. He never told you he -- to  
2 terminate Mr. Cyrus?  
3 A. He did not tell me to  
4 terminate Mr. Cyrus.  
5 Q. Or that he was considering  
6 terminating Mr. Cyrus?  
7 A. He did not say that.  
8 Q. And it says that,  
9 President Ahn accepted my  
10 recommendation and requested that I  
11 set up a meeting with Mr. Cyrus.  
12 Did he put any parameters about  
13 your setting up a meeting with Mr.  
14 Cyrus?  
15 A. He said, do it as soon as  
16 possible.  
17 Q. Did he tell you to do it  
18 away from work or at work?  
19 A. No, that was my choice.  
20 Q. What sort of a time frame  
21 did he give you?  
22 A. Do it as soon as possible.  
23 Q. A week, two weeks, three?

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1 A. As soon as possible. He  
2 didn't --  
3 Q. Next line, it says,  
4 President Ahn left it to me to  
5 determine whether Mr. Cyrus should  
6 be discharged. Did he actually say  
7 that, it's up to you to be  
8 discharged -- to decide whether he  
9 should be discharged?  
10 A. He knew I was the head of  
11 personnel and he was saying to me,  
12 you have -- I'm giving you the  
13 responsibility to resolve this  
14 matter. Which I concluded was a  
15 full range of whatever I had said  
16 would be supported by him.  
17 Q. So he didn't mention that  
18 -- according to you, didn't mention  
19 Mr. Cyrus potentially being  
20 discharged?  
21 A. Let me make it clear. Mr.  
22 Ahn never told me to discharge this  
23 man. He told me to handle the

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1 problem. It was a problem, an  
2 operational problem, and Mr. Cyrus  
3 was the basis of that problem.  
4 Q. Did he discuss with you  
5 the possibility of discharging Mr.  
6 Cyrus?  
7 A. No, he did not say that.  
8 Q. Next paragraph, it says,  
9 Mr. Cyrus was away on paid medical  
10 leave during most of September and  
11 October. After several attempts I  
12 reached him at home and asked him  
13 to meet me for dinner. Do you  
14 remember the date that you first  
15 tried to get in touch with him?  
16 A. I tried a number of times  
17 and later Mr. Cyrus told me that he  
18 had been in Birmingham here going  
19 -- undergoing medical examination  
20 and treatment, which had kept him  
21 away from his phone. And he was  
22 having some sort of domestic  
23 problems.

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1 To answer your question,  
2 no, do not have the specific dates.  
3 Q. When you talked to him did  
4 you tell him you wanted to discuss  
5 his medical problem?  
6 A. I wanted to see how he was  
7 doing and I wanted to advise him of  
8 his status with the company and to  
9 discuss employment concerns that we  
10 had.  
11 Q. What did you tell him  
12 about employment concerns that you  
13 had?  
14 A. I didn't tell him. I just  
15 said, employment concerns.  
16 Q. Did you tell him anything  
17 about that you had some reports  
18 about problems with his behavior or  
19 attitude?  
20 A. No. I said, employment  
21 concerns, I -- concerns.  
22 Q. Didn't -- weren't  
23 specific?

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1 A. No. I tried to limit it.  
 2 I was talking to him on the phone.  
 3 Q. Now, did you pick the  
 4 place for dinner?  
 5 A. No, he picked the place.  
 6 Q. Did you originally suggest  
 7 going somewhere else?  
 8 A. I wasn't familiar -- that  
 9 familiar with Montgomery, at least  
 10 the eating establishments. And he  
 11 made a suggestion of several places  
 12 and he said this would be -- I  
 13 tried -- I said to him, make it as  
 14 easy on yourself as possible,  
 15 because he had been sick. And so  
 16 he selected this location.  
 17 Q. Now, when you met with him  
 18 another individual joined you, Mr.  
 19 Hansford?  
 20 A. Yes, sir.  
 21 Q. Tell me how that happened.  
 22 A. Mr. -- I arrived first.  
 23 Mr. Cyrus came in and he was seated

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1 at the table. We started just the  
 2 preliminaries of talk. I was  
 3 asking Rob how his health was and  
 4 had he resolved his health  
 5 problems. And this gentleman came  
 6 over to the table and greeted --  
 7 greeted Rob, said, hi, Rob. And  
 8 they started talking and then Rob  
 9 introduced me. And they began  
 10 talking about the problems.  
 11 MR. BOSTICK: Can we take  
 12 a restroom break before we start  
 13 getting into the details --  
 14 MR. STOCKHAM: Sure.  
 15 MR. BOSTICK: -- of this  
 16 meeting?  
 17 (Whereupon, a brief  
 18 recess was taken in  
 19 the deposition.)  
 20 Q. (By Mr. Stockham) Now, at  
 21 the -- you were about to tell me  
 22 about your conversation when Mr.  
 23 Hansford came to the table. What

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1 did Mr. Hansford say?  
 2 A. Mr. Hansford approached  
 3 the table -- came directly over to  
 4 the table, down the aisle and said  
 5 hello to Mr. Cyrus and they greeted  
 6 each other warmly and began to  
 7 talk.  
 8 Q. What happened next?  
 9 A. Mr. Hansford was -- asked  
 10 Mr. Cyrus how he was doing, how his  
 11 medical treatment in Birmingham had  
 12 been. And they discussed that for  
 13 a few minutes, three to four  
 14 minutes. It's hard to ascertain  
 15 time but about three to four  
 16 minutes.  
 17 Q. What happened after that?  
 18 A. Mr. Cyrus introduced him  
 19 to myself and that I worked for  
 20 Hyundai at the plant and that I was  
 21 the deputy president of the plant.  
 22 Q. So tell me what happened  
 23 then.

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1 A. Mr. Hansford greeted me.  
 2 He said that he had been a former  
 3 Hyundai employee, that he currently  
 4 worked for a company called -- I  
 5 think it was Palopinia (phonetic  
 6 spelling), and that he had been in  
 7 purchasing at HMMA until he was  
 8 discharged and -- which he thought  
 9 was unfair. And then he basically  
 10 praised the management of Palopinia  
 11 for being more progressive or  
 12 understanding, and that he enjoyed  
 13 Palopinia much better.  
 14 And then he started to  
 15 express concerns about Hyundai, its  
 16 management system, and he was  
 17 adversarial toward the Korean  
 18 management. And expressed an issue  
 19 as to how -- he was surprised as to  
 20 how Rob had been able to put up  
 21 with the frustrations with the job.  
 22 Q. Did he say anything else?  
 23 A. He stood and spoke for



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1 almost -- I don't know, the better  
2 part of an hour, expressed concerns  
3 about the corporation. He thought  
4 that he hadn't received due  
5 process.

6 He told me that he had  
7 basically been discharged for  
8 falsification of his education and  
9 that he was short a few units on  
10 his degree but had put down that he  
11 had the degree but that Mr. Kimble  
12 had been very strict or exacting.  
13 He said that he had falsified and  
14 they had discharged him.

15 He said that he didn't  
16 like the purchasing process at  
17 HMMA. He thought that the Koreans  
18 took advantages of vendors,  
19 suppliers, leveraged them too hard,  
20 were not fair in their evaluations.

21 Now, this is a three-way  
22 conversation that's taking place  
23 while he's standing, most of it

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1 between he and Rob.

2 Do you wish me to  
3 continue?

4 Q. Well, looking at -- in  
5 paragraph eight, the last word --  
6 the beginning of the last sentence  
7 of that paragraph.

8 A. For?

9 Q. Yeah. That doesn't make  
10 any reference to Mr. Cyrus in that  
11 -- in that paragraph.

12 A. Because Mr. Hansford led  
13 the direction of the conversation.  
14 But Mr. Cyrus also made comments  
15 which would cause Mr. Hansford to  
16 go into another subject. It was --

17 Q. What comments did Mr.  
18 Cyrus make?

19 A. He would support Mr.  
20 Hansford in his position with  
21 reference to what they were talking  
22 about. For instance, as an  
23 example, when he was talking about

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1 suppliers there was an argument --  
2 he said -- that Mr. Hansford had  
3 that Korean suppliers received  
4 favoritism. And then Mr. Cyrus  
5 will say, yeah, do you remember  
6 this contract and that contract.  
7 And then that would go into that  
8 subject of that particular vendor  
9 or supplier and the irregularities.

10 It was just a constant  
11 flow. And then -- they had  
12 criticisms about the American  
13 management, irregularities,  
14 behavioral problems.

15 Q. What American management?

16 A. Various people within --  
17 in the American management system  
18 that they felt were -- they pretty  
19 well ran the gamut of all the  
20 American managers. So --

21 Q. Who did they mention?

22 A. Oh, they mentioned Mr.  
23 Kimble. They mentioned Rick. They

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1 mentioned Mr. Kalson.

2 Q. Rick Neal?

3 A. Uh-huh.

4 Q. What did they say about  
5 Mr. Neal?

6 A. They believed that -- Mr.  
7 Cyrus said he was -- wouldn't stand  
8 up on key issues, that they didn't  
9 feel support -- supported by the  
10 legal department.

11 Q. You mentioned Mr. Kalson.  
12 What did he say about Mr. Kalson?

13 A. That he was hard, that he  
14 was demanding, that he lacked  
15 compassion for employees, that he  
16 had problems with some of the  
17 specific employees, that he was  
18 trying to always -- he was going  
19 overboard trying to please the  
20 Koreans in the production area when  
21 he knew that might not be the right  
22 direction.

23 Q. Anything else that was

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1 said about Mr. Kalson?  
 2 A. Yeah, there were other  
 3 allegations that he made.  
 4 Q. When you say, he, you mean  
 5 Mr. --  
 6 A. Was supported.  
 7 Q. -- Mr. Hansford?  
 8 A. Both of them together.  
 9 Q. What else was said about  
 10 Mr. Kalson?  
 11 MR. BOSTICK: Let's go off  
 12 the record for a second.  
 13 (Whereupon, an  
 14 off-the-record  
 15 discussion was held.)  
 16 Q. (By Mr. Stockham) Was the  
 17 issue about whether or not anyone  
 18 in HMMA's executive group engaged  
 19 in sleeping with staff raised?  
 20 A. Yes.  
 21 Q. Who raised that?  
 22 A. At first Michael did. He  
 23 talked of it in a broad term and

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1 then Mr. Cyrus filled the blanks in  
 2 as to the individual and the  
 3 circumstances.  
 4 Q. I'm sorry. I'm not  
 5 following you. What do you mean?  
 6 A. Mr. Hansford was making a  
 7 comparison of conduct saying, I was  
 8 discharged for this falsification  
 9 but there are -- there is an  
 10 executive who has done worse and  
 11 was not terminated. And then Mr.  
 12 Cyrus filled in the blanks, filled  
 13 in who and the circumstances.  
 14 Q. He identified the  
 15 individual?  
 16 A. Yes.  
 17 Q. And he said what they did?  
 18 A. He alleged that the  
 19 individuals had sexual relations.  
 20 Q. That's not something that  
 21 you raised?  
 22 A. No. No. My focus was Mr.  
 23 Cyrus.

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1 Q. Was there anything else  
 2 discussed?  
 3 A. There were a myriad of  
 4 things.  
 5 Q. Well, what else was  
 6 discussed?  
 7 A. The inefficiencies of the  
 8 plant, the redundancy in direction,  
 9 the lack of authority of American  
 10 executives in comparison to their  
 11 titles, lack of communication  
 12 between Americans and Koreans,  
 13 abruptness of the Korean staff.  
 14 Q. Now, who was making these  
 15 comments?  
 16 A. It was equally shared. It  
 17 was a discussion that was taking  
 18 place -- Mr. Duckworth, you need to  
 19 know this, okay, and that -- and  
 20 this situation.  
 21 Q. What else was stated?  
 22 A. You know, I'm trying to go  
 23 through the conversation in my mind

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1 as to the order.  
 2 There were comments about  
 3 making payments late to vendors and  
 4 suppliers. There were comments  
 5 made about renegotiation of terms  
 6 to suppliers after delivery of  
 7 services. There were comments made  
 8 that the plant was developing a  
 9 poor reputation within the  
 10 community amongst business leaders.  
 11 There were comments made that  
 12 political figures were removing  
 13 their support or slowly distancing  
 14 themselves from the company.  
 15 There were comments that  
 16 there were possible -- that they  
 17 believed that there were possible  
 18 kickbacks between suppliers and  
 19 individuals. And that the plant  
 20 was not well run in comparison to  
 21 other automotive plants and that it  
 22 would have difficulty continuing in  
 23 this mode. That there was a

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1 hierarchy of Korean executives that  
2 were hard to deal with, demanding,  
3 long hours of work, lack of  
4 appreciation.

5 Q. What else?

6 A. What else did he say?  
7 There was an issue as to a lady  
8 being propositioned by a Korean  
9 staff member that had resulted in  
10 her frustration and unhappiness.  
11 There was a criticism about a  
12 female employee who said that when  
13 her boss left on business, on a  
14 trip, that she was not given equal  
15 responsibility, authority or  
16 respect of her boss.

17 Q. What else?

18 A. That some of the  
19 construction in the plant, the  
20 sidewalks around the plant, had  
21 been done inferiorly by a company  
22 that had been directed by the  
23 Koreans to do the work, that much

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1 of the work done by people  
2 recommended or putting on the  
3 bidding list by the Koreans were  
4 inferior -- and gave an -- I'm  
5 sorry. Not inferior but gave an --  
6 did an inferior job.

7 That selected parts of  
8 bids submitted by bidders, parts of  
9 them were taken and consolidated  
10 and would end up in the final  
11 product -- or the final  
12 specifications for projects.

13 I hope that I made that  
14 clear. I'm not sure you understand  
15 but --

16 Q. What else was -- what else  
17 did they say?

18 A. You know, I can't -- I'm  
19 doing my best to try to recall.

20 Mr. -- I think Mr. Cyrus  
21 complained that he hadn't received  
22 a speedier, expeditious resolution  
23 of his relocation expenses and that

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1 they had been challenged by  
2 finance.

3 They believed that they  
4 had inadequate representation by HR  
5 and that HR was too compliant with  
6 Korean management direction and  
7 would not raise alternatives to  
8 what they were being directed to  
9 do. That departments were  
10 understaffed, over worked, under  
11 appreciated -- what else -- that  
12 they could never catch up with the  
13 work load in purchasing. As a  
14 result of not being able to keep up  
15 with the work load it impacted the  
16 plant. And then the plant  
17 operations people became  
18 adversarial.

19 That the paint shop had  
20 been designed improperly and was  
21 under capacitized for the number of  
22 vehicles that had to go through  
23 there.

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1 Those are the things that  
2 I immediately recall.

3 Q. Do you recall anyone  
4 saying anything about having to  
5 attend meetings and not being given  
6 translators?

7 A. That was a concern they  
8 had. And they explained it also  
9 that in meetings, that  
10 conversations and discussions going  
11 on would suddenly turn into  
12 discussions in Korean, which  
13 participants couldn't understand.

14 Q. Was there any discussion  
15 about not getting the same access  
16 to vehicles --

17 A. Yes.

18 Q. -- as the Koreans?

19 A. Yes.

20 Q. What was said about that?

21 A. I believe Mr. Cyrus was --  
22 they committed in his contract for  
23 the next XG and he had not received



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1 the XG and they were attempting to  
2 facilitate that through HMA and he  
3 would -- the process was very slow  
4 and arduous and not in timing with  
5 what he wanted.

6 The other managers were  
7 receiving -- and Mr. Hansford  
8 brought this up, that the other  
9 managers received pre-production  
10 vehicles and what is called class  
11 two vehicles, which are vehicles  
12 that have some sort of blemish in  
13 the production side and have to be  
14 worked on or repaired before sold  
15 to the public.

16 And they were also unhappy  
17 as to some of the financial aspects  
18 of the reimbursement.

19 Q. Reimbursement of --

20 A. For gas.

21 Q. -- expenses?

22 A. Yeah, expenses, gas  
23 expenses.

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1 Q. When they had to take  
2 trips on company business?

3 A. Both.

4 Q. They were complaining that  
5 the Koreans were getting the money  
6 more expeditiously than the  
7 Americans?

8 MR. BOSTICK: Object to  
9 the form.

10 A. Yes.

11 Q. Did they complain that the  
12 Americans were being treated  
13 differently with regard -- than the  
14 Koreans with regard to the amount  
15 of work that was required of them?

16 MR. BOSTICK: Object to  
17 the form.

18 A. No, not that I recall.

19 Q. Any complaint about the  
20 Koreans punching or hitting  
21 co-employees?

22 A. Yes.

23 Q. What was said about that?

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1 A. They said there were two  
2 -- I remember I recall two  
3 circumstances that they described,  
4 one in which a Korean kicked an  
5 American in the knee and was  
6 transferred out of the plant to a  
7 supplier. And then they told a  
8 story about the director at that  
9 time of finance having an  
10 altercation with one of the  
11 directors -- excuse me, directors  
12 of admin, and that they went into a  
13 room and commenced to fight.

14 Q. Anything else that you can  
15 recall?

16 A. No. But I'll be happy if  
17 you refresh my memory to confirm  
18 anything that you might have. I've  
19 tried to give you an accurate trail  
20 of that discussion.

21 Q. They complained that the  
22 Koreans and Americans were being  
23 treated as separate teams?

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1 A. Yes.

2 Q. And that the American team  
3 was being treated less favorably  
4 than the Koreans?

5 MR. BOSTICK: Object to  
6 the form.

7 A. I don't know if they said  
8 it quite that way but in substance  
9 I think that's -- that's fairly  
10 accurate, that there were two  
11 teams, the Koreans and the  
12 Americans.

13 Q. Well, if they're being  
14 treated the same it wouldn't be a  
15 complaint, would it?

16 MR. BOSTICK: Object to  
17 the form.

18 A. Yeah, it could be. It  
19 could be.

20 Q. Well, that's not what you  
21 understood them to be complaining  
22 about, though, was it?

23 A. No, I understood them to

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1 be complaining that they felt left  
2 out of the process and that the  
3 Koreans were in charge of the  
4 process.

5 Q. Did they complain that  
6 they were not being included in  
7 meetings that they needed in order  
8 to be able to do their job?

9 A. Yes, sir. That's what  
10 they complained -- that's one of  
11 the complaints they had.

12 Q. Did they tell you that the  
13 Koreans had told the Americans that  
14 it would take too long to go  
15 through meetings if they had to do  
16 them in English?

17 A. Yes.

18 Q. Did they tell you about a  
19 Korean punching a KPMG  
20 representative in the face?

21 A. No. I think -- no, I  
22 don't -- no, I don't remember that.  
23 But I do remember that the director

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1 of finance was in this tussle and  
2 he used to be a member of KPMG. I  
3 believe him to be, anyway.

4 Q. Now, you said -- how long  
5 did this conversation take place?

6 A. Hour.

7 Q. Did you have dinner  
8 sitting at the table while this was  
9 going on?

10 A. About three-quarters of  
11 the way through -- not  
12 three-quarters. Three-quarters,  
13 half, I asked Mr. Hansford if he  
14 would like to have a seat because  
15 he was standing in the aisle and he  
16 was impairing the traffic, the flow  
17 of traffic. People who were  
18 serving had to walk around him.

19 To answer your question,  
20 yes. Yes, the dinner was sitting  
21 there.

22 Q. So you were served before  
23 he arrived?

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1 A. No. We ordered before he  
2 arrived.

3 Q. Your meal was brought  
4 while he was standing there?

5 A. Right. They held off a  
6 couple of times. We waved them off  
7 a couple of times. I waved them  
8 off.

9 Q. At what point during the  
10 conversation was your meal brought?

11 A. Towards the end.

12 Q. Now, did you finish your  
13 meal after Mr. Hansford departed or  
14 before?

15 A. I believe it was a little  
16 bit after he left, as I recall.

17 Q. Paragraph nine, it says,  
18 when Mr. Hansford departed I  
19 addressed Mr. Cyrus' performance  
20 issues. Did you address the  
21 performance issues with Mr. Cyrus  
22 before or after dinner?

23 A. After. Towards the close

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1 of dinner. After Mr. Hansford had  
2 left.

3 Q. Had you had dessert at the  
4 time you discussed the performance  
5 issues?

6 A. I don't think we had  
7 dessert, as I recall.

8 Q. Now, looking at paragraph  
9 nine it says, I advised Mr. Cyrus  
10 there were concerns over his  
11 attitude and the adversarial and  
12 antagonistic way in which he had  
13 conducted himself recently.

14 Did you specify what in  
15 particular you were referring to?

16 A. Yes, sir.

17 Q. What did you tell him?

18 A. I described the meeting  
19 that he had had with the Murakami  
20 people. I also described the issue  
21 with Mr. Song.

22 Q. Anything else that you  
23 mentioned to him?

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1 A. I told him that the people  
2 concerned about -- and they had  
3 seen a change in his  
4 professionalism and his working  
5 attitude and his relationships.

6 Q. Now, I take it at the time  
7 that you had this -- that you're  
8 beginning this conversation with  
9 him you testified that you thought  
10 you could improve his attitude.  
11 What did you --

12 A. If not -- if not to -- if  
13 I couldn't improve his attitude, if  
14 I could just improve his conduct  
15 and the way he behaved in the  
16 organization, that was my goal.

17 Q. What did you expect that  
18 your conversation with him would  
19 affect that in just one  
20 conversation?

21 A. Because I told him the  
22 alternatives.

23 Q. What did you tell him?

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1 A. I told him that he was  
2 subject to separation, that we had  
3 to work out this, that he was hired  
4 for the purposes of cooperation and  
5 management of people and getting  
6 things done, and that people didn't  
7 feel comfortable with him and that  
8 the Koreans didn't feel comfortable  
9 with him and that his judgment was  
10 impaired and that his timing was  
11 impaired and that his -- he was  
12 obligated to defend the company and  
13 if he couldn't defend the company's  
14 position then he was to in an  
15 appropriate place make known why he  
16 could not. And he couldn't accept  
17 that. He wouldn't accept that.

18 Q. Now, in paragraph nine it  
19 says, I asked Mr. Cyrus what he  
20 thought about these issues and Mr.  
21 Cyrus refused to acknowledge that  
22 there were any issues.

23 What particular issues did

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1 you ask him what he thought about?

2 A. He refused to acknowledge  
3 that -- he knew there were issues.  
4 He refused to consider that he may  
5 have played a role in those issues.  
6 The issues that I advised him was  
7 the resolution of problems in a  
8 business way, the confrontation of  
9 people in public settings, the  
10 embarrassment to people, the  
11 gruffness, the curt manner in which  
12 he dealt with people. And he had a  
13 duty as an employee to protect that  
14 company and to take care of people  
15 and he wasn't doing it.

16 His job was to foster  
17 communications and he was a  
18 blockage to communications. And he  
19 had a chip on his shoulder. And he  
20 wasn't the man that I had first met  
21 before. He had a different  
22 attitude. And I asked him  
23 specifically, Counselor,

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1 specifically: Can you change, Rob?  
2 Do you see what you're going? And  
3 he told me, no, he couldn't, that  
4 he felt so strongly that he was  
5 right that he wasn't going to  
6 change his attitude towards the way  
7 he did business, nor towards the  
8 corporation, and that he had lost  
9 faith in the company.

10 Q. He told you he had lost  
11 faith in the company?

12 A. In the company, yes, with  
13 Hyundai. I'm sorry for the  
14 emotional side but this is an  
15 important issue to me.

16 Q. When you say that he  
17 refused to acknowledge that there  
18 were any issues which issues did he  
19 refuse to acknowledge?

20 A. That he played any role in  
21 the deterioration of relationships  
22 with Americans and Koreans, that  
23 everybody else was wrong. He could

1 not see that his approach and his  
2 demeanor and his thought process  
3 was wrong from a business point of  
4 view. He wanted to win. I told  
5 him he wanted to win. And I said,  
6 it's not an issue of winning. It's  
7 an issue of getting the job done,  
8 working as a team. It was very --  
9 but he couldn't accept it.

10 Q. It says that, he began  
11 arguing there was a conspiracy to  
12 terminate him.

13 A. He did.

14 Q. What did he say about  
15 that?

16 A. He said that the Koreans  
17 and some of the Americans were out  
18 to get him in the company and that  
19 he was the first American --  
20 because he was the first American  
21 hired by the company and that he  
22 enjoyed a special relationship or  
23 status and that he didn't

1 understand why these people were  
2 after him.

3 Q. Who did he say was out to  
4 terminate him?

5 A. I'm sorry, sir?

6 Q. Who did he say was out to  
7 terminate him?

8 A. Korean staff executives --  
9 Korean executive staff, the --

10 Q. Who?

11 A. The president, H.I. Kim,  
12 Harry Hyoun, Jason Li. Let's see.  
13 Who else did he mention? And on  
14 the American side Mr. Kalson, Mr.  
15 Susock, Mr. Neal and Mr. -- that --  
16 Mr. Kimble was a part of it but was  
17 not an active participant. He was  
18 just too weak to prevent it or stop  
19 it.

20 Q. It says -- you wrote that,  
21 Mr. Cyrus refused to accept any  
22 responsibility for his actions  
23 during the Murakami meeting and

1 denied any wrongdoing whatsoever.

2 What did you discuss with  
3 Mr. Cyrus about the Murakami  
4 meeting?

5 A. His conduct, his taking  
6 over the meeting, his loud  
7 interference, his embarrassment of  
8 H.I. Kim, his adversarial  
9 discussions with American  
10 management who were responsible for  
11 an area within the plant --

12 Q. What did he tell --

13 A. -- his -- excuse me -- his  
14 defense of the vendor in a meeting  
15 with outside -- with an outside  
16 company.

17 I'm sorry, sir. You had a  
18 question.

19 Q. What did you tell him  
20 about the -- his embarrassing H.I.  
21 Kim?

22 A. I told him that it had put  
23 his judgment into question, why he

1 should do that at that time and in  
2 that place that he selected to do  
3 that, and that it was not  
4 reflective of a good executive.

5 Q. And what did he say in  
6 response?

7 A. He said that what he -- he  
8 believed Mr. Kim to be saying was  
9 untrue and that he didn't believe  
10 that it was appropriate to ask a  
11 supplier or vendor to come down  
12 immediately from Kentucky -- drive  
13 down from Kentucky, give up their  
14 valuable time, and be subject to  
15 Mr. Kim's conduct and action. And  
16 that he believed that the supplier  
17 was correct and had -- was not  
18 responsible for the deficiencies.

19 Q. What did you say to him  
20 regarding the conduct with regard  
21 to his American co-workers in the  
22 meeting?

23 A. I asked him, what was the

**DEPOSITION OF  
KEITH DUCKWORTH  
PART II**



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1 purpose? What purpose does it  
2 serve to insult one of your  
3 colleagues in a public meeting?

4 Q. Did you ask him if he made  
5 the statement "bullshit" to Mr.  
6 Susock?

7 A. He said that he had had a  
8 confrontation with Mr. Kalson and  
9 that Mr. Susock didn't know what he  
10 was doing and that none of them  
11 really knew what they were doing,  
12 that even from his Toyota  
13 experience and Mercedes experience  
14 he was more knowledgeable than Mr.  
15 Kalson.

16 Q. Did you ask him  
17 specifically about whether or not  
18 he used the term "bullshit" to  
19 refer to --

20 A. No, I tried to save him  
21 the embarrassment.

22 Q. Did you ask him whether or  
23 not he confronted Mr. Kalson

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1 accusing him of -- saying something  
2 about comparing Hyundai production  
3 processes with Toyota production  
4 processes?

5 A. I didn't have to. He made  
6 that statement to me.

7 Q. What did he say?

8 A. He said that Toyota was  
9 much more superior in their  
10 production, that Mr. Kalson didn't  
11 know what he was doing, that he,  
12 Mr. Cyrus, knew more about  
13 production from his experiences at  
14 Toyota and at Mercedes than Mr.  
15 Kalson did.

16 Q. Did you discuss anything  
17 with him about the fact that other  
18 employees in his department had  
19 complained about him?

20 A. Yes.

21 Q. What did you tell him?

22 A. I said that his  
23 relationship had deteriorated with

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1 his colleagues and some of his  
2 subordinates. And he said that he  
3 had been under a lot of pressure  
4 and he told me that he was  
5 uncomfortable -- not uncomfortable  
6 -- that he was unhappy with his  
7 relationship at Hyundai. And that  
8 might have been perceived by his  
9 subordinates.

10 Q. Did you discuss with him  
11 the situation where the -- Mr.  
12 Song, Mr. Kenny Song had been in  
13 the executive meeting?

14 A. Yes, I did.

15 Q. What did you say to him  
16 about that?

17 A. He said -- I told him that  
18 -- I told him, Rob, I observed  
19 this. Okay? I was there,  
20 remember? I told you to sit down,  
21 we'll handle this. I said, I  
22 couldn't believe your approach. I  
23 didn't understand. It was

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1 embarrassing. There was no -- it  
2 didn't serve a purpose. It wasn't  
3 business-like. It didn't --  
4 couldn't have resolved any problem.

5 And he told me that he was  
6 tired, that Mr. Song -- he was  
7 tired of Mr. Song and his excuses.  
8 He was tired of a company that  
9 always accused suppliers of  
10 mistakes when they needed to  
11 concentrate on their own systems,  
12 and that these were used -- these  
13 were excuses used by incompetent  
14 people to cover up the real issues.

15 Q. Now, it says here that,  
16 Mr. Cyrus contended he was an  
17 exemplary employee and had no  
18 attitude problems at all.

19 A. He did with reference to  
20 his conduct and his management with  
21 reference to these meetings. The  
22 only area of compromise, Counselor,  
23 that he made was in reference to --

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1 he was apologetic or sorrowful  
 2 about the fact that his  
 3 subordinates had seen him as being  
 4 disagreeable and out of touch. And  
 5 he told me that he was having  
 6 problems with his -- in his  
 7 marriage and that he was having  
 8 problems with a substance abuse  
 9 problem with his wife and he was  
 10 concerned about the safety of his  
 11 children under those circumstances  
 12 and that was a major focus.

13 Q. What problems did he tell  
 14 you he was having in his marriage?

15 A. He said that his wife had  
 16 a substance abuse with alcohol and  
 17 that he had two small sons and he  
 18 had seen evidence that she was not  
 19 caring for them appropriately and  
 20 that he was afraid that she was  
 21 going to take the children and  
 22 leave. I'm sorry. Leave the state  
 23 and go to Kentucky.

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1 MR. BOSTICK: Can we take  
 2 another break?

3 (Whereupon, a brief  
 4 recess was taken in  
 5 the deposition.)

6 Q. (By Mr. Stockham) Mr.  
 7 Duckworth --

8 A. Yes, sir.

9 Q. -- it says in paragraph  
 10 nine -- it says, it was clear that  
 11 he was not willing to accept any  
 12 form of correction or even consider  
 13 the possibility that his behavior  
 14 needed improvement.

15 Did I understand you to  
 16 say that you told Mr. Cyrus that if  
 17 he didn't change his behavior that  
 18 you were going to terminate him?

19 A. I told him his job was in  
 20 jeopardy.

21 Q. And even when you told him  
 22 that he said he wasn't going to  
 23 change? How did he put it?

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1 A. He showed no -- he said  
 2 that his frustration in his current  
 3 job was so high that he didn't see  
 4 how we could go on either.

5 Q. He said his frustration  
 6 was so high he didn't see how you  
 7 could go on either?

8 A. We could go on. We.  
 9 Meaning -- he was talking kind of  
 10 an editorial, we could go on, the  
 11 company and he could go on  
 12 together.

13 Q. Is that all he said?

14 A. He attributed the  
 15 destruction of the employment  
 16 relationship to a conspiracy to get  
 17 him.

18 Q. What did he say about  
 19 that?

20 A. He didn't say anything. I  
 21 told him -- I responded to his  
 22 comment.

23 Q. What did you tell him?

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1 A. I told him I had no  
 2 conspiracy. I was not involved in  
 3 any conspiracy. That the decision  
 4 for his continued employment rested  
 5 with me and if he would indicate to  
 6 me that he could make changes or  
 7 was willing to make changes I would  
 8 be happy to reconsider him and  
 9 support him in his desires to  
 10 improve the relationship and his  
 11 working performance. And he said,  
 12 no, it wasn't.

13 Q. He said, no, it wasn't?

14 A. He wasn't.

15 Q. He wasn't.

16 A. He wasn't prepared to do  
 17 that.

18 Q. He wasn't prepared to do  
 19 what?

20 A. To change his actions, his  
 21 management style, and to take any  
 22 corrective action with reference to  
 23 his previous actions in these two



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1 meetings.

2 Q. Now, did you tell Mr.  
3 Cyrus that because of his responses  
4 to you that you had made the  
5 decision to terminate him?

6 A. That was the conclusion  
7 that I had reached, yes.

8 Q. Did you tell him that it  
9 was your decision to terminate him?

10 A. I told him. It was the  
11 truth.

12 Q. Did you tell him that it  
13 wasn't up to you, it was other  
14 members of the executive committee?

15 A. That's not true. I made  
16 the decision.

17 Q. You didn't tell him that  
18 it wasn't up to you?

19 A. I told him it was up to  
20 me.

21 Q. What did he say when you  
22 told him that you were -- that it  
23 was your decision to terminate him?

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1 A. We started talking about  
2 the terms of the separation.

3 Q. What did you say?

4 A. I said that the company  
5 was prepared to provide him a  
6 separation payment to help him  
7 transition to other employment  
8 where he felt he might be more  
9 successful.

10 Q. And what did he say?

11 A. He told me that he would  
12 consider it and thought that was  
13 the best but that he wasn't going  
14 to just walk away without  
15 compensation.

16 Q. He said he thought that  
17 was the best?

18 A. The best decision to make  
19 between the two parties, between  
20 Hyundai and himself.

21 Q. I may have misunderstood.  
22 Tell me exactly what he said.

23 A. He said that the dasicon

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1 that there be either a severance or  
2 a resignation, he believed, was in  
3 his best interest, but he was not  
4 going to leave without appropriate  
5 compensation.

6 Q. Did you ever make the  
7 statement that Mr. Cyrus and Mr.  
8 Hansford had ambushed you?

9 A. Yes.

10 Q. Who did you say that to?

11 A. I've said that to  
12 corporate counsel.

13 Q. Anybody else?

14 A. No, just to HMMA's  
15 corporate counsel.

16 Q. That would be Mr. Neal?

17 A. Yes. And I believe  
18 that --

19 MR. BOSTICK: Don't --

20 A. -- to be accurate.

21 MR. BOSTICK: Don't  
22 discuss any conversations between  
23 you and Mr. Neal again.

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1 Q. Did you say anything about  
2 Mr. Cyrus ambushing you to Mr.  
3 Cyrus?

4 A. You know, I briefly did  
5 and I said, you know, I feel very  
6 uncomfortable that Mr. Hansford is  
7 here. This looks like an unusual  
8 coincidence to me, to him. And he  
9 said, no, no, he just stopped in.

10 He just stopped in. It was -- had  
11 nothing to do -- I didn't call him,  
12 I think he said. I didn't --

13 Q. So you didn't use the word  
14 "ambushed" to Mr. Cyrus?

15 A. No, I did not. Although,  
16 I certainly felt it.

17 Q. You felt like they  
18 conspired against you?

19 MR. BOSTICK: Object to  
20 the form.

21 A. I'm not sure that the word  
22 "conspired" is appropriate. I will  
23 tell you that I think it was

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1 orchestrated. For what purpose, I  
2 can't tell you.

3 Q. Looking at paragraph  
4 eleven it says, Mr. Cyrus -- well,  
5 let me back up a second.

6 What was the reason you  
7 decided to terminate Mr. Cyrus?

8 A. Because I believed that  
9 the employer/employee relationship,  
10 that trust, had been destroyed. I  
11 believed that Mr. Cyrus could not  
12 be counted on to make good  
13 judgments on behalf of the  
14 corporation. I believed that it  
15 was beyond our ability to reconcile  
16 the situation. I believed that no  
17 training was going to change his  
18 attitude. I believed that no  
19 supervision was going to change his  
20 attitude. That he believed that he  
21 -- he was going to continue to  
22 operate the way he had and that  
23 people were out to get him. And I

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1 didn't seen an effective director  
2 of purchasing under those  
3 circumstances. He was going to  
4 continue to have to operate with  
5 those people that he'd had all of  
6 the confrontations and there was no  
7 -- absolutely no attempt on his  
8 part to reconcile the  
9 relationships.

10 Q. And when did you arrive at  
11 that decision?

12 A. When I asked him towards  
13 the end of the conversation if he  
14 could change and he said, there's  
15 no reason for me to change. I'm  
16 not wrong.

17 Q. How long was this  
18 conversation that you had with him  
19 after Mr. Hansford left?

20 A. Forty minutes. Thirty,  
21 forty minutes. Yeah, forty  
22 minutes.

23 Q. Did Mr. Cyrus or you raise

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1 your voice in that forty minutes?

2 A. No. He became intense. I  
3 mean, emotionally intense. But he  
4 didn't raise his voice and I didn't  
5 take offense from his explanations.  
6 They were rational to me. I say,  
7 rational. They weren't  
8 threatening. They were just a very  
9 specific explanation of how he  
10 felt.

11 Q. Now, moving on to  
12 paragraph eleven. It says, Mr.  
13 Cyrus never made any complaints of  
14 discrimination or harassment to me  
15 during our conversations about the  
16 Murakami meeting on the day of the  
17 meeting or during our meeting on  
18 Saturday, October 22nd, 2005.

19 Did I read that right?

20 A. Yes, sir.

21 Q. Did -- the next sentence  
22 you said, he did not express any  
23 concern that he felt he was being

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1 discriminated against on the basis  
2 of his national origin or in  
3 retaliation for some types of  
4 complaints of discrimination. The  
5 only concern raised by Mr. Cyrus  
6 with respect to H.I. Kim was the  
7 belief that Mr. Kim was a prima  
8 donna with a bad temper and that  
9 Mr. Kim did not like the fact that  
10 Mr. Cyrus had questioned his  
11 judgment.

12 When did Mr. Cyrus say  
13 that Mr. Kim was a prima donna with  
14 a bad temper and that Mr. Kim did  
15 not like the fact that Mr. Cyrus  
16 questioned his judgment?

17 A. During the course of the  
18 meeting.

19 Q. Which meeting?

20 A. The dinner.

21 Q. Did he say anything about  
22 that during the afternoon meeting  
23 on the 16th of September?

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1 A. No. He told me at the  
2 dinner.  
3 Q. Did he make any comment to  
4 you about Mr. Kim's bad temper on  
5 the afternoon that he came to you  
6 after the meeting?

7 A. He -- he didn't express --  
8 express it in that manner. He  
9 expressed that he was  
10 uncontrollable, that he was -- that  
11 he was angry. But he was not  
12 complaining. It was descriptive of  
13 the situation. It was a different  
14 issue. It was different in -- on  
15 this -- that dinner.

16 Q. Now, in paragraph twelve  
17 it says, in the summer of 2005  
18 shortly after I began working at  
19 HMMA I made it a practice to meet  
20 with all the directors of the  
21 facilities to discuss any pertinent  
22 issues. I met with Mr. Cyrus as  
23 well as all other directors as part

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1 of this process.

2 Now, this would have been  
3 in August or September?

4 MR. BOSTICK: Object to  
5 the form.

6 A. I started initially when I  
7 first came because I had been  
8 directed to do so.

9 Q. Do you remember when it  
10 was that you met with Mr. Cyrus?

11 A. Mr. Cyrus attended  
12 meetings. We had a directors-type  
13 meeting in which Mr. Kimble and Mr.  
14 Cyrus and Mr. Kalson -- Rick didn't  
15 attend but occasionally.

16 Q. Do you recall a meeting  
17 that you had one-on-one with Mr.  
18 Cyrus where he described certain  
19 issues about the way that Americans  
20 were being treated differently than  
21 Koreans?

22 MR. BOSTICK: Object to  
23 the form.

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1 A. I would take exception to  
2 your characterization but I will be  
3 happy if you ask me what I  
4 remember --

5 Q. Would you --

6 A. -- to answer your question  
7 the best I can and you can  
8 decipher --

9 Q. Do you remember Mr. Cyrus  
10 telling you in a meeting with you  
11 that there was a major problem  
12 between the Koreans and the  
13 Americans in that the Americans  
14 were being treated as if they were  
15 a separate team from the Koreans?

16 MR. BOSTICK: Object to  
17 the form.

18 A. I remember that Mr. Cyrus  
19 complained that some meetings that  
20 he attended were being held -- that  
21 they gravitated towards Korean  
22 language being spoken in the  
23 meeting. And there were meetings

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1 that were held by Koreans without  
2 Americans in the plant, which was  
3 -- there was no problem. There was  
4 nothing wrong with that. It  
5 certainly wasn't discrimination.  
6 If Mr. Cyrus had been able to speak  
7 Korean he would have been included,  
8 believe me.

9 Q. Do you recall Mr. Cyrus  
10 telling you that he thought the  
11 Americans were being treated less  
12 favorably than the Koreans?

13 MR. BOSTICK: Object to  
14 the form.

15 A. Mr. Cyrus complained that  
16 he didn't believe that he was given  
17 appropriate authority for his level  
18 in the company and that this  
19 followed a pattern, he believed,  
20 which affected other Americans.  
21 And I explained to him, this plant  
22 -- you don't have the expertise  
23 that every one of these individuals

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1 have that are running this plant.  
 2 You have to learn from them. They  
 3 will teach you and you will be  
 4 equally involved in the plant. But  
 5 you just started. You can't expect  
 6 to be accepted into a production  
 7 plant where someone has twenty-five  
 8 years of experience in production  
 9 and be treated equally with  
 10 reference to your opinion. It's  
 11 ludicrous. It's absolutely  
 12 ludicrous that people would think  
 13 that. And the majority of  
 14 Americans understand that and they  
 15 have a good working relationship.  
 16 Mr. Cyrus, because he believed he  
 17 was the number one American, should  
 18 be included in everything. And it  
 19 served no purpose. Number one  
 20 hired American.

21 Q. Did Mr. Cyrus tell you  
 22 that the Americans were being  
 23 treated as a separate team --

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1 MR. BOSTICK: Object to  
 2 the form.

3 Q. -- from the Koreans?

4 A. No. He told me he  
 5 believed -- he felt like it was a  
 6 separate team.

7 Q. Did he tell you that  
 8 Koreans told him and the other  
 9 Americans that it would take too  
 10 long to go through meetings if they  
 11 had to do them in English?

12 A. Did he tell me that?

13 Q. Yes.

14 A. No. I know that. There  
 15 are some meetings that are  
 16 technical. When you're describing  
 17 the problems with a robotic arm and  
 18 why it's down and you have to get  
 19 it up in five minutes you don't  
 20 have time to translate that. It  
 21 just -- I mean -- I'm sorry. If  
 22 you've been in a plant operation  
 23 you understand that.

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1 Q. But did Mr. Cyrus tell you  
 2 that Americans were being treated  
 3 less favorably than Koreans because  
 4 they weren't included in meetings  
 5 that --

6 A. He put it in terms of  
 7 communication, Counselor. That --  
 8 and he felt like he had -- was left  
 9 out of things that he should have  
 10 been involved in.

11 Q. Did he tell you that they  
 12 weren't included in meetings where  
 13 -- they were not provided  
 14 information that they needed to do  
 15 their jobs?

16 MR. BOSTICK: Object to  
 17 the form.

18 A. That was his conclusion.

19 Q. And that that was -- that  
 20 Americans were not being included  
 21 in meetings that the Koreans were  
 22 holding?

23 A. Yes, that's true. That's

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1 a given.

2 Q. And that was one of the  
 3 things that he complained about in  
 4 this meeting he had with you,  
 5 wasn't it, right after you came  
 6 there?

7 A. Those are different  
 8 issues. The issues are -- one are  
 9 technical issues that deal with the  
 10 running of the production of that  
 11 plant. The others are in reference  
 12 to how people are treated, are  
 13 there fairness in pay, are there  
 14 fairness in benefits, how are  
 15 people being treated. Those he was  
 16 never excluded from. But he was  
 17 excluded from those -- he wasn't  
 18 excluded. There was no reason for  
 19 him to attend meetings that  
 20 required engineering evaluations  
 21 that had to be sent back to the  
 22 parent corporation.

23 As an executive vice

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1 president of HMA and as a deputy  
2 president I wasn't involved in all  
3 the meetings, nor did I expect to  
4 be, nor did I want to be. And  
5 there was no discrimination against  
6 me and I'm an American. It was a  
7 functional purpose. It happens at  
8 Nissan. It happens at Toyota. And  
9 it happens at Honda because I have  
10 experience with those companies.

11 Q. My question, sir, was:  
12 Did Rob Cyrus make that complaint  
13 to you?

14 A. That was the conclusion he  
15 came to.

16 Q. Did he make that  
17 complaint?

18 A. Yeah, he --

19 MR. BOSTICK: Object to  
20 the form.

21 A. It was not a complaint.  
22 It was a concern. I don't want to  
23 argue semantics.

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1 Q. He also told you that the  
2 American employees' expense reports  
3 were treated differently and less  
4 favorably than the Korean  
5 employees' expense reports, didn't  
6 he?

7 MR. BOSTICK: Object to  
8 the form.

9 A. He made that observation  
10 but he couldn't substantiate it.

11 Q. And he told you that the  
12 Koreans were getting their money  
13 much more quickly than the  
14 Americans were, didn't he?

15 MR. BOSTICK: Object to  
16 the form.

17 A. I don't recall that.

18 Q. You don't recall him  
19 telling you that it would take two  
20 to four weeks for Americans to get  
21 their money while Koreans would get  
22 their money in two or three days?

23 A. I don't recall him saying

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1 that on a daily basis -- on a  
2 day/time basis.

3 Q. He may have, you just  
4 don't recall?

5 A. Sir?

6 Q. He may have, you just  
7 don't recall?

8 A. I'm still --

9 Q. Do you -- are you saying  
10 he didn't make it or you just don't  
11 recall?

12 A. I just don't recall.

13 Q. He complained to you that  
14 cars coming out of the car pool for  
15 the lease cars that was part of the  
16 compensation that Americans got the  
17 least favorable cars --

18 MR. BOSTICK: Object to  
19 the form.

20 Q. -- didn't he?

21 A. He did and he was  
22 incorrect. They were based upon  
23 grade level.

Page 225

1 Q. But he did make that  
2 complaint to you?

3 A. Uh-huh.

4 Q. And he told you about an  
5 individual named -- a Korean named  
6 Su Yung who, when firing an  
7 American woman employee, told her  
8 she could either work out the last  
9 two weeks or take off the last two  
10 weeks and she would be paid if she  
11 slept with him --

12 MR. BOSTICK: Object to  
13 the form.

14 Q. -- didn't he?

15 A. With Mr. Cyrus?

16 Q. No, with Mr. Yung.

17 A. I've testified to that.

18 I've already testified to this.  
19 There was a secondary incident that  
20 he -- in the comments.

21 Q. And he complained about  
22 this shortly after you came, to you  
23 didn't he?



Page 226

1 A. He did.

2 Q. And he told you that while  
3 the individual had been transferred  
4 to Korea that it was known that he  
5 was still employed with Hyundai,  
6 didn't he?

7 MR. BOSTICK: Object to  
8 the form.

9 A. That was investigated by  
10 the legal department. Disciplinary  
11 action was taken. The gentleman  
12 was sent home. His career was  
13 ended. It was ruined. And I think  
14 he is no longer with HMC. I think  
15 Mr. Cyrus is completely wrong on  
16 that issue.

17 Q. He did mention that to  
18 you, didn't he?

19 MR. BOSTICK: Object to  
20 the form. Are you talking about in  
21 the meeting in the -- when he first  
22 arrived at the plant?

23 MR. STOCKHAM: Yes.

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1 A. Yes.

2 Q. And Mr. Cyrus described to  
3 you the situation with Martha  
4 Harper who, when her boss would go  
5 out of town, he would put one of  
6 her employees in charge instead of  
7 putting her in the position --

8 MR. BOSTICK: Object to  
9 the form.

10 Q. -- didn't he?

11 A. I think I've testified to  
12 that, yes, sir.

13 Q. He complained about that  
14 to you right after you showed up,  
15 didn't he?

16 A. Yes.

17 Q. And he also told you about  
18 the situation with Mr. Kalson  
19 sleeping with staff, didn't he?

20 A. I'll make --

21 MR. BOSTICK: Object to  
22 the form.

23 A. -- no comment on that.

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1 Q. He told you about an  
2 executive member sleeping with  
3 staff, didn't he?

4 MR. LEE: Asked and  
5 answered.

6 MR. BOSTICK: Object.  
7 He's already discussed that. Is  
8 the question, did he raise that  
9 issue at the meeting when he first  
10 came --

11 MR. STOCKHAM: Yes.

12 MR. BOSTICK: -- to the --

13 MR. STOCKHAM: Yes.

14 MR. BOSTICK: Okay. This  
15 line of questions is all about what  
16 he said to you in this meeting  
17 right when you got to the plant --

18 MR. STOCKHAM: Correct.

19 MR. BOSTICK: -- that  
20 we've been talking about.

21 MR. STOCKHAM: Right.

22 A. Mr. Cyrus made statements  
23 concerning an executive having an

Page 229

1 affair or a sexual relation with a  
2 subordinate team member in the  
3 plant. That matter was  
4 investigated by the legal  
5 department.

6 Q. (By Mr. Stockham) Mr.  
7 Cyrus identified the individual to  
8 you, didn't he?

9 A. He did.

10 Q. And Mr. Cyrus also told  
11 you that with regard to the work  
12 that Americans were being treated  
13 less favorably than the Koreans,  
14 didn't he?

15 MR. BOSTICK: Object to  
16 the form.

17 A. I'm sorry. Could you  
18 reword that --

19 Q. With regard to the work  
20 that was being performed at HMMA  
21 that the Americans were being  
22 treated less favorably than the  
23 Koreans, didn't he?



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1 MR. BOSTICK: Object to  
2 the form.

3 A. It was an issue of  
4 authority. He didn't believe that  
5 he had the authority that a Korean  
6 had in an equal position. Yes, he  
7 did.

8 Q. And he told you that that  
9 was not just true for himself but  
10 with regard to other Americans,  
11 didn't he?

12 A. In some cases.

13 Q. And he also told you about  
14 how one of his employees was kicked  
15 by a vice president until he was in  
16 the fetal position in front of one  
17 of his subordinates --

18 MR. BOSTICK: Object to  
19 the form.

20 Q. -- didn't he?

21 A. I don't recall that, sir.  
22 He told me of two incidents that I  
23 recall. One of them dealt with a

Page 231

1 production person who was kicked in  
2 the knee. And he told me about the  
3 -- that at that time he was the  
4 director of finance who got into an  
5 altercation with another Korean.

6 Q. And he told you about an  
7 incident with regard to Mr. Li  
8 kicking an employee in front of a  
9 female employee, Kellie Wall,  
10 didn't he?

11 MR. BOSTICK: Object to  
12 the form.

13 A. I don't recall that. I'm  
14 not saying he did not. I just  
15 don't recall. It could have been  
16 the same incident.

17 Q. And he also reported about  
18 a Korean employee punching a KPMG  
19 representative in the face, didn't  
20 he?

21 MR. BOSTICK: Object to  
22 the form.

23 A. I don't -- I don't

Page 232

1 remember the KPMG. I believe he  
2 may be speaking about, again, the  
3 man -- the director of finance who  
4 formerly was with KPMG.

5 Q. And after Mr. Cyrus  
6 reported these things to you there  
7 was a Korean, someone in the legal  
8 department who came, and you asked  
9 Mr. Cyrus to repeat those things to  
10 that individual, didn't you?

11 A. I did not ask. I did ask  
12 -- the gentleman who came  
13 represented the interests of the  
14 company and was looking into the  
15 allegations I believe as a result  
16 of the direction of the legal  
17 department.

18 Q. You introduced the  
19 individual to Mr. Cyrus, didn't  
20 you?

21 A. I can't remember if I did.  
22 I wouldn't deny it. I probably  
23 introduced him to all of the

Page 233

1 directors who he wanted to speak  
2 to.

3 Q. Had you reported the --  
4 what -- Mr. Cyrus' complaints to  
5 the legal department?

6 A. Yes.

7 Q. Had you discussed it with  
8 anyone from Korea?

9 A. I had had discussions with  
10 Mr. Neal and I had discussions with  
11 Mr. Ahn.

12 Q. The president?

13 A. The president.

14 Q. Anyone else that you  
15 discussed it with?

16 A. Who did I discuss it -- I  
17 don't recall.

18 Q. It was --

19 A. I don't recall. I'm  
20 confident that the Koreans were  
21 well aware of it.

22 Q. And it was after you  
23 discussed it with Mr. Neal and

Page 234

1 President Ahn that the individual  
2 came from Korea and interviewed Mr.  
3 Cyrus?

4 A. They didn't come to  
5 interview Mr. Cyrus. They came to  
6 check on the progress of the plant  
7 and this was one of the  
8 responsibilities. And they --

9 Q. It was after that, though,  
10 that you had disclosed it to the --

11 A. Yes.

12 Q. -- other individuals?

13 A. Yes.

14 Q. How much after that?  
15 Week, month?

16 A. Two weeks.

17 Q. Two weeks.

18 A. Two weeks. Approximation.

19 Q. Sometime the end of  
20 August, first of September?

21 A. No, I think it was before  
22 then. August would be right.  
23 Maybe the first of -- the first of

Page 235

1 August, the last part -- yeah, the  
2 first -- somewhere in there.

3 Q. End of August, first of  
4 September?

5 A. No, the first part of  
6 August would probably be the best.  
7 I just don't recall when the  
8 individual arrived.

9 Q. If Mr. Cyrus says it was  
10 about a month after you got there  
11 would you --

12 A. I would --

13 Q. -- dispute --

14 A. I would adopt that.

15 Q. Now, after you met with  
16 Mr. Cyrus and told him he was  
17 terminated did you report his  
18 allegations, those that you heard  
19 from both him and Mr. Hansford, to  
20 the -- to anyone?

21 A. Yes.

22 Q. Who did you report it to?

23 A. The legal department.

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1 Q. Specifically who?

2 A. Mr. Neal.

3 Q. Did you make any memo to  
4 him or did you just tell him?

5 A. I made a confidential memo  
6 to Mr. Neal.

7 Q. Is that the memo that you  
8 told me you looked at earlier?

9 MR. BOSTICK: At the  
10 beginning of the deposition?

11 MR. STOCKHAM: Right.

12 A. Yes.

13 Q. And do you know whether or  
14 not those issues were followed up  
15 on?

16 A. Some of the issues,  
17 unbeknownst to me, had been  
18 followed up on even prior to the  
19 reporting of them, by the legal  
20 department and had been --  
21 investigations had been conducted  
22 prior to my arrival. Some of them  
23 had previously been reported by

Page 237

1 employees. The other ones were  
2 investigated by the legal  
3 department, by Mr. Neal.

4 Q. Which ones had not been  
5 reported?

6 A. The -- well, let me tell  
7 you which ones I remember that had  
8 been reported because I -- it's  
9 probably easier.

10 Q. Well, I presume that the  
11 ones that you told me about that  
12 Mr. Cyrus reported to you right  
13 after you came had already been  
14 reported. Is that true?

15 A. Some of them had been  
16 reported but in a different forum.

17 Q. But at least by the time  
18 that he spoke to the person from  
19 Korea they had been reported and  
20 submitted to the legal department,  
21 hadn't they?

22 A. They had.

23 Q. So the ones that had been

Page 238

1 mentioned by Mr. Cyrus when he  
2 first came and talked to you and  
3 then reported to the person from  
4 Korea, those had been investigated  
5 by the legal department?

6 MR. BOSTICK: Object to  
7 the form.

8 A. Some had been  
9 investigated. Some were in the  
10 process of being investigated.

11 Q. So apart from those which  
12 ones had not been investigated?

13 A. I would say that the  
14 allegations that were based upon  
15 feelings and conclusions without  
16 specific names had not been.

17 Q. I'm not --

18 A. Because there was --

19 Q. -- following you.

20 A. -- there was no reason.

21 Q. What feelings and  
22 conclusions are you talking about?

23 A. I'm overworked. Okay?

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1 I'm not appreciated. Those types  
2 of concerns. This is a difficult  
3 place to work. There is a lack of  
4 communication. Those are not  
5 specific complaints directed at an  
6 identifiable group or individual.  
7 Okay? They are a -- in the Army  
8 they are a complaint about the U.S.  
9 Army, and there were those  
10 complaints by Mr. Cyrus that were a  
11 complaint about working.

12 Q. Which ones were reported  
13 that were followed up on but had  
14 not been previously reported?  
15 Those are the ones that I'm asking  
16 about.

17 MR. BOSTICK: I'm going to  
18 object to you revealing the  
19 substance of any conversations  
20 between you and the legal  
21 department that disclose that type  
22 of information. If you have an  
23 independent basis for knowledge

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1 other than what's being told to you  
2 by the legal department then you  
3 can answer the question. Otherwise  
4 that's a privileged communication.

5 A. I mean, the majority of  
6 what I understand about the various  
7 allegations that were brought were  
8 conversations of inquiry and  
9 requests for information from me  
10 from the legal department.

11 Q. Now, you are not the  
12 person who both hired and fired Mr.  
13 Cyrus, are you?

14 A. Yes.

15 Q. You both hired him and  
16 fired him?

17 A. Yes, sir. I processed him  
18 into the corporation and I was the  
19 individual who discharged him.

20 Q. You made the discharge  
21 decision?

22 A. Yes.

23 Q. You didn't make the hiring

Page 241

1 decision?

2 A. I was involved in the  
3 hiring process.

4 Q. Who made the hiring  
5 decision?

6 A. I can't tell you that. I  
7 don't know.

8 Q. Who informed you that Mr.  
9 Cyrus was hired?

10 A. My coordinator, Darren  
11 Kahn, K-a-h-n.

12 Q. Did Mr. Peterson work for  
13 you as well?

14 A. Yes.

15 Q. Is he a coordinator, also?

16 A. No. Mr. Peterson was the  
17 national manager of employment.

18 Q. What was his position  
19 vis-a-vis Mr. Kahn?

20 A. Mr. Kahn was a coordinator  
21 within the HR department and Mr.  
22 Peterson was a manager, national  
23 manager of employment. There was

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1 no direct reporting relationship.  
 2 There was no line of authority.  
 3 Q. They both reported to you?  
 4 A. They both reported --  
 5 Q. Both of them were direct  
 6 reports to you?  
 7 A. Yes.  
 8 Q. When you received Mr.  
 9 Cyrus' complaint, which is attached  
 10 as exhibit --  
 11 A. I'm sorry. It's attached?  
 12 Q. -- as exhibit two to your  
 13 declaration. It shows that it goes  
 14 to you, Mr. Ahn, Mr. B.K. Kim and  
 15 Mr. Greg Kimble. Did you read and  
 16 review that document?  
 17 MR. BOSTICK: At what  
 18 point in time?  
 19 Q. When you received it.  
 20 A. Yes, when I received it.  
 21 Q. Did you discuss that with  
 22 anyone?  
 23 MR. BOSTICK: Don't

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1 discuss the substance of any  
 2 conversations with legal counsel.  
 3 Q. I just want to know if you  
 4 discussed it with anyone.  
 5 (Witness reviewing  
 6 documents.)  
 7 A. I had a discussion with  
 8 this information.  
 9 Q. With whom?  
 10 A. With Mr. Neal.  
 11 Q. Anyone else?  
 12 A. And a general discussion  
 13 with President Ahn.  
 14 Q. Anyone else?  
 15 A. B.K. Kim, I believe was  
 16 there.  
 17 Q. Anyone else?  
 18 A. I think that's basically  
 19 -- the legal counsel was there in  
 20 the meeting.  
 21 Q. Had you made any notes of  
 22 your meeting with Mr. Cyrus where  
 23 you terminated him?

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1 A. Yes.  
 2 Q. Do you have those?  
 3 MR. BOSTICK: Richard, I  
 4 think he -- we got copies of those  
 5 yesterday. They're not listed on  
 6 the privilege log but I'm going to  
 7 identify them as privileged. They  
 8 were made in consultation with the  
 9 memo.  
 10 Q. When did you make those  
 11 notes?  
 12 A. After my conversation with  
 13 -- the conversation with Mr. Cyrus  
 14 at dinner.  
 15 Q. You made them that night?  
 16 A. That night.  
 17 Q. Had you talked with  
 18 counsel about making those notes?  
 19 A. Yes.  
 20 Q. When did you talk with  
 21 counsel about making those notes?  
 22 A. About making the notes?  
 23 Q. Yes.

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1 A. I talked with counsel  
 2 beforehand that I would give --  
 3 MR. BOSTICK: Don't  
 4 discuss substance of conversations  
 5 with him.  
 6 A. That I would supply him  
 7 with a report of the meeting.  
 8 Q. You told counsel that.  
 9 Now, did you -- but that was before  
 10 the meeting?  
 11 A. Before the meeting.  
 12 Q. And so these -- had you  
 13 had any discussions with him about  
 14 providing such notes or was that  
 15 just something you volunteered to  
 16 him?  
 17 A. No, report -- I said I  
 18 would keep him advised, give him a  
 19 report as to the transaction of --  
 20 MR. BOSTICK: I think  
 21 you've testified fully about --  
 22 let's not get into conversations  
 23 between you and Rick Neal.

1 Q. With regard to the notes,  
2 you submitted them to Mr. Neal  
3 about what occurred. Are those the  
4 notes that you have reviewed before  
5 your deposition here today?

6 A. No. Just the fact that  
7 they exist.

8 Q. Where did you keep those  
9 notes?

10 A. The legal department. I  
11 gave them to the legal department.

12 Q. So when you said that you  
13 looked at a memo or -- that you had  
14 written was that something separate  
15 from the notes that you wrote about  
16 the meeting?

17 A. The notes were the basis  
18 for the memo. They were my thought  
19 process, the work process that I  
20 gave to the legal counsel.

21 MR. LEE: I'll be glad to  
22 update my privilege log for you as  
23 well, Richard.

1 Q. Why did you make the  
2 notes?

3 A. To ensure the accuracy of  
4 the memo that I was sending to  
5 legal counsel covered the issues  
6 and the subjects, and to seek legal  
7 guidance from the counsel on these  
8 issues as to what should be done to  
9 resolve these problems if he hadn't  
10 -- if he was unaware of them. He  
11 had the responsibility for  
12 investigations as the legal  
13 counsel.

14 MR. BOSTICK: Richard,  
15 could we go off the record for just  
16 a second?

17 (Whereupon, an  
18 off-the-record  
19 discussion was held.)

20 Q. (By Mr. Stockham) Now,  
21 the -- these notes that you gave to  
22 Mr. Neal, were you seeking advice  
23 about terminating Mr. Cyrus?

1 A. No. I was seeking advice  
2 as to the impact of terminating him  
3 from a legal perspective. And  
4 also to advise him that there were  
5 issues -- potentially legal issues  
6 that he needed to consider with  
7 reference to some of the  
8 allegations. Because I was unsure  
9 as to how many of these allegations  
10 he was aware of and from a legal  
11 perspective he needed to look into  
12 them.

13 MR. STOCKHAM: I believe  
14 that's all for this deposition.  
15

16 FURTHER THE DEPONENT SAITH NOT  
17  
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23

1 C E R T I F I C A T E  
2

3 STATE OF ALABAMA )  
4 JEFFERSON COUNTY )  
5

6 I hereby certify that the above  
7 and foregoing deposition was taken  
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9 questions and answers thereto were  
10 reduced to typewriting under my  
11 supervision, and that the foregoing  
12 represents a true and correct  
13 transcript of the deposition given  
14 by said witness upon said hearing.

15 I further certify that I am  
16 neither of counsel nor kin to the  
17 parties to the action, nor am I in  
18 anywise interested in the result of  
19 said cause.  
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22 \_\_\_\_\_  
23 Sandra Peebles Daniel  
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5 the attached errata sheet. Please  
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7 deposition.  
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9 After making any changes which  
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12 errata sheet and date it, then sign  
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18 the deposition.  
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20 Return the original errata  
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7 correct transcription of the  
8 answers given by me to the  
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